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PUBLIC LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION OF 1909,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON
WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1909.

PUBLISHED BY AUTHORITY.

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1909.

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OFFICIAL REGISTER

FOR THE YEAR 1909.

STATE GOVERNMENT.

EXECUTIVE DEPARTMENT.

William W. Kitchen	Governor	Person.
William C. Newland	Lieutenant Governor	Caldwell.
J. Bryan Grimes	Secretary of State	Pitt.
Benjamin F. Dixon	State Auditor	Cleveland.
Benjamin R. Lacy	State Treasurer	Wake.
Thomas W. Bickett	Attorney-General	Franklin.
James Y. Joyner	Superintendent Public Instruction	Guilford.
William A. Graham	Commissioner of Agriculture	Lincoln.
Mitchell L. Shipman	Commissioner of Labor and Printing	Henderson.
Joseph F. Armfield	Adjutant General	Iredell.
Alfred Williams	Assistant Adjutant General	Wake.
Miles O. Sherrill	State Librarian	Catawba.
James R. Young	Insurance Commissioner	Vance.
Alexander J. Feild	Private Secretary to Governor	Wake.
Miss Annie Travis	Executive Clerk	Halifax.
George W. Norwood	Grant Clerk, Secretary of State	Wake.
William S. Wilson	Corporation Clerk, Secretary of State	Caswell.
Miss Minnie M. Bagwell	Clerk and Stenographer	Wake.
Joseph E. Sawyer	Clerk and Stenographer	Wake.
Everhard H. Baker	Chief Clerk to Auditor	Franklin.
Baxter Durham	Tax Clerk	Wake.
Mrs. Fannie W. Smith	Pension Clerk and Stenographer	Wake.
W. F. Moody	Chief Clerk to Treasurer	Mecklenburg.
P. B. Fleming	Teller	Franklin.
Henry M. Reece	Clerk of Institutions	Wake.
Miss May F. Jones	Clerk and Stenographer	Buncombe.
G. L. Jones	Law Clerk to Attorney-General	Macon.
Miss Sarah Burkhead	Clerk and Stenographer to Attorney-General	Columbus.
A. J. Barwick	Chief Clerk to Supt. Public Instruction	Lenoir.
C. H. Mebane	Clerk of Loan Fund	Catawba.
J. A. Bivins	Superintendent of Teacher Training	Stanly.
Miss Hattie Arrington	Clerk and Stenographer	Wake.
Miss Carrie E. Broughton	Assistant Librarian	Wake.
George B. Justice	Assistant Commissioner Labor and Printing	Mecklenburg.
Miss Daisy Thompson	Clerk and Stenographer	Wake.
Robert B. Coit	Deputy Insurance Comr. and Actuary	Wake.
Stacy W. Wade	Deputy Insurance Commissioner	Carteret.
William A. Scott	Deputy (Investigation Fires)	Guilford.
	Chief Clerk	
Miss Ida Montgomery	Clerk and Stenographer	Warren.
A. H. Yearby	License Clerk	Wake.
Miss Mary V. Marsh	Bookkeeper	Sampson.
C. C. Cherry	Supt. Public Buildings and Grounds	Edgecombe.
L. H. Lumsden	State Standard Keeper	Wake.
E. M. Uzzell	State Printer	Wake.

CORPORATION COMMISSION.

Franklin McNeill	Chairman	New Hanover.
Samuel L. Rogers	Commissioner	Macon.
Benjamin F. Aycock	Commissioner	Wayne.
J. K. Doughton	Bank Examiner	Alleghany.
W. L. Williams	Assistant Bank Examiner	Cumberland.
Henry C. Brown	Chief Clerk	Surry.
Stedman Thompson	Clerk	Wake.
Miss E. G. Riddick	Stenographer	Wilson.

JUDICIAL DEPARTMENT.

SUPREME COURT.

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.
Robert C. Strong	Reporter	Raleigh	Wake.

SUPERIOR COURT JUDGES.

George W. Ward	Elizabeth City	Pasquotank.
Robert B. Peebles	Jackson	Northampton.
Owen H. Guion	New Bern	Craven.
Charles M. Cooke	Louisburg	Franklin.
Oliver H. Allen	Kinston	Lenoir.
William R. Allen	Goldsboro	Wayne.
Chatham Calhoun Lyon	Elizabethtown	Bladen.
W. J. Adams	Carthage	Moore.
J. Crawford Biggs	Durham	Durham.
Benjamin F. Long	Statesville	Iredell.
Erastus B. Jones	Winston	Forsyth.
James L. Webb	Shelby	Cleveland.
W. B. Council	Boone	Watauga.
M. H. Justice	Rutherfordton	Rutherford.
J. S. Adams	Asheville	Buncombe.
Garland S. Ferguson	Waynesville	Haywood.

SOLICITORS.

Hallett S. Ward	Washington	Beaufort.
John H. Kerr	Warrenton	Warren.
Charles L. Abernethy	Beaufort	Carteret.
Charles C. Daniels	Wilson	Wilson.
Rodolph Duffy	Catherine Lake	New Hanover.
Armistead Jones	Raleigh	Wake.
N. A. Sinclair	Fayetteville	Cumberland.
L. D. Robinson	Wadesboro	Anson.
Jones Fuller	Durham	Durham.
William C. Hammer	Asheboro	Randolph.
S. P. Graves	Mount Airy	Surry.
Heriot Clarkson	Charlotte	Mecklenburg.
Frank A. Linney	Boone	Watauga.
J. F. Spainhour	Morganton	Burke.
Mark W. Brown	Asheville	Buncombe.
Thad. D. Bryson	Bryson City	Swain.

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATORS.

HON. W. C. NEWLAND, LIEUTENANT GOVERNOR, PRESIDENT, LENOIR.

DISTRICT.	NAME OF SENATOR.	POST OFFICE.	COUNTY.
1	E. R. Johnson	Elizabeth City	Currituck.
1	A. P. Godwin	Gatesville	Gates.
2	V. B. Martin	Williamston	Martin.
2	F. P. Latham	Washington	Beaufort.
3	B. S. Gay	Jackson	Northampton.
4	E. L. Travis	Halifax	Halifax.
5	L. V. Bassett	Rocky Mount	Edgecombe.
6	A. L. Blow	Greenville	Pitt.
7	Ben. T. Holden	Louisburg	Franklin.
7	J. D. Dawes	Elm City	Wilson.
8	Y. T. Ormond	Kinston	Lenoir.
8	J. W. Burton	Jacksonville	Onslow.
9	J. L. Barham	Goldsboro	Wayne.
10	Edmund A. Hawes, Jr.	Atkinson	Pender.
11	B. G. Emple	Wilmington	New Hanover.
12	O. L. Clark	Clarkton	Bladen.
13	D. P. Shaw	Lumberton	Robeson.
14	Q. K. Nimocks	Fayetteville	Cumberland.
15	J. O. Matthews	Ingold	Sampson.
15	W. G. Turner	Dunn	Harnett.
16	W. B. Jones	Raleigh	Wake.
17	H. T. Powell	Henderson	Vance.
18	J. A. Long	Roxboro	Person.
19	J. L. Scott, Jr.	Graham	Alamance.
19	J. S. Manning	Durham	Durham.
20	W. B. Wray	Reidsville	Rockingham.
21	J. A. Barringer	Greensboro	Guilford.
22	A. S. Dockery	Rockingham	Richmond.
22	Jonathan Peele	Laurinburg	Scotland.
23	J. A. Spence	Asheboro	Randolph.
24	J. A. Lockhart	Wadesboro	Anson.
24	G. Foster Hankins	Lexington	Davidson.
25	H. N. Pharr	Charlotte	Mecklenburg.
25	Paul B. Means	Concord	Cabarrus.
26	Whitehead Klutz	Salisbury	Rowan.
27	H. R. Starbuck	Winston-Salem	Forsyth.
28	John M. Reynolds, R. F. D. No. 3	Madison	Stokes.
29	William M. Lee	Summit	Wilkes.
30	Z. V. Long	Statesville	Iredell.
31	J. D. Elliott	Hickory	Catawba.
32	W. T. Love	Gastonia	Gaston.
33	McD. Ray	Hendersonville	Henderson.
33	John C. Mills	Rutherfordton	Rutherford.
34	J. C. Sherrill	Lenoir	Caldwell.
34	Samuel A. McCall	Gibbs	Burke.
35	R. L. Doughton	Laurel Springs	Alleghany.
36	J. F. Tilson	Marshall, R. F. D. No. 2	Madison.
37	J. J. Britt	Asheville	Buncombe.
38	A. M. Fry	Bryson City	Swain.
39	W. J. West	Franklin	Macon.

SENATE OFFICERS.

NAME.	POSITION.	ADDRESS.
A. J. Maxwell-----	Principal Clerk-----	Dover.
Stacy W. Wade-----	Assistant to Principal Clerk-----	Morehead City.
Otis Self-----	Assistant to Principal Clerk-----	Webster.
Weldon Smith-----	Assistant to Principal Clerk-----	Raleigh.
Mark Squires-----	Reading Clerk-----	Lenoir.
R. N. Staley-----	Doorkeeper-----	Wilkesboro.
Nicholas DeBoy-----	Assistant Doorkeeper-----	Raleigh.
W. E. Hooks-----	Engrossing Clerk-----	Ayden.

REPRESENTATIVES.

HON. A. W. GRAHAM, SPEAKER, OXFORD.

NAME.	POST OFFICE.	COUNTY.
J. A. Pickett	Burlington	Alamance.
W. C. Linney	Hiddenite	Alexander.
R. A. Doughton	Sparta	Alleghany.
T. C. Cox	Wadesboro	Anson.
T. C. Bowie	Jefferson	Ashe.
Frank B. Hooker	Idalia	Beaufort.
John F. Latham	Washington	Beaufort.
A. S. Rascoe	Windsor	Bertie.
G. D. Perry	Elizabethtown	Bladen.
C. Ed. Taylor	Southport	Brunswick.
Zeb. V. Weaver	Asheville	Buncombe.
R. J. Gaston	Hominy	Buncombe.
T. L. Sigmon	Morganton	Burke.
H. S. Williams	Concord	Cabarrus.
M. N. Harshaw	Lenoir	Caldwell.
J. E. Cooke	Indiantown	Camden.
C. S. Wallace	Morehead City	Carteret.
A. E. Henderson	Yanceyville	Caswell.
J. Yates Killian	Newton	Catawba.
R. H. Hayes	Pittsboro	Chatham.
T. C. McDonald	Murphy	Cherokee.
W. S. Privott	Edenton	Chowan.
Everette Crawford	Hayesville	Clay.
Drury S. Lovelace	Shelby	Cleveland.
J. G. Butler	Pireway	Columbus.
E. M. Green	New Bern	Craven.
J. H. Currie	Fayetteville	Cumberland.
John Underwood	Fayetteville	Cumberland.
Pierce Hampton	Waterlily	Currituck.
Charles T. Williams	Avon	Dare.
T. Earl McCrary	Lexington	Davidson.
A. T. Grant, Jr.	Mocksville	Davie.
J. A. Gavin	Kenansville	Duplin.
Y. E. Smith	East Durham	Durham.
Hugh B. Bryan	Battleboro	Edgecombe.
M. B. Pitt	Macclesfield	Edgecombe.
S. E. Hall	Winston-Salem	Forsyth.
P. H. Stimpson	Winston-Salem	Forsyth.
R. P. Floyd	Louisburg	Franklin.
D. K. Davenport	Mount Holly	Gaston.
N. B. Kendrick	Cherryville	Gaston.
Lycurgus Hofer	Gatesville	Gates.
W. P. Rose	Southworth	Graham.
A. W. Graham	Oxford	Granville.
J. A. Albritton	Snow Hill	Greene.
Thomas J. Murphy	Greensboro	Guilford.
J. R. Gordon	Jamestown	Guilford.
A. P. Kitchin	Scotland Neck	Halifax.
H. S. Harrison	Enfield	Halifax.
N. A. Smith	Kipling	Harnett.
W. T. Lee	Waynesville	Haywood.
J. S. Rhodes	Fletchers	Henderson.
David C. Barnes	Murfreesboro	Hertford.
J. W. McWilliams	Ocracoke	Hyde.
Z. V. Turlington	Mooresville	Iredell.
M. D. Tomlin	Statesville	Iredell.
R. F. Jarrett	Dillsboro	Jackson.
J. W. Myatt	Clayton, R. F. D. 1	Johnston.
J. W. Barnes	Clayton	Johnston.
John C. Parker	Trenton	Jones.
E. R. Wooten	Kinston	Lenoir.
H. D. Warlick	Lincolnton	Lincoln.
T. B. Higdon	Franklin	Macon.
A. J. McDevitt	Walnut	Madison.
Harry W. Stubbs	Williamston	Martin.
B. B. Price	Marion	McDowell.
W. G. McLaughlin	Charlotte	Mecklenburg.
W. A. Grier	Charlotte	Mecklenburg.
W. C. Dowd	Charlotte	Mecklenburg.
S. J. Turner	Vale or Valley	Mitchell.

REPRESENTATIVES—CONTINUED.

NAME.	POST OFFICE.	COUNTY.
Robert T. Pool	Troy	Montgomery.
D. A. McDonald	Carthage	Moore.
James C. Braswell	Whitakers	Nash.
George L. Morton	Wilmington	New Hanover.
M. Bolton	Rich Square	Northampton.
E. M. Koonce	Jacksonville	Onslow.
T. E. Sparrow	Hillsboro	Orange.
J. B. Martin	Arapahoe	Pamlico.
S. N. Morgan	Elizabeth City	Pasquotank.
Joseph T. Foy	Scott's Hill	Pender.
Ernest L. Reed	Hertford	Perquimans.
F. O. Carver	Roxboro	Person.
R. R. Cotten	Bruce	Pitt.
B. T. Cox	Winterville	Pitt.
J. B. Livingston	Tryon	Polk.
Thomas J. Redding	Randleman, R. F. D. 3	Randolph.
J. Rom. Smith	Liberty	Randolph.
M. C. Freeman	Hamlet	Richmond.
W. J. McLeod	Red Springs	Robeson.
Marshall Shepherd	Alma	Robeson.
Geo. T. Davis	Reidsville, R. F. D.	Rockingham.
W. I. Witty	Summerfield, R. F. D.	Rockingham.
John M. Julian	Salisbury	Rowan.
John W. Carlton	Salisbury	Rowan.
L. C. Daily	Ellenboro	Rutherford.
James T. Kennedy	Moltonville	Sampson.
B. H. Crumpler	Clinton	Sampson.
T. C. Everett	Laurinburg	Scotland.
J. I. Campbell	Norwood	Stanly.
James M. Fagg	Redshoals	Stokes.
R. L. Haymore	Mt. Airy	Surry.
J. U. Gibbs	Whittier	Swain.
George W. Wilson	Penrose	Transylvania.
Mark Majette	Columbia	Tyrrell.
R. W. Lemmond	Monroe	Union.
Robert N. McNeely	Monroe	Union.
B. H. Perry	Henderson	Vance.
A. L. Cox	Raleigh	Wake.
J. W. Hinsdale, Jr.	Raleigh	Wake.
E. T. Scarboro	Eagle Rock	Wake.
T. O. Rodwell	Warrenton	Warren.
C. W. Snell	Mackeys Ferry	Washington.
Smith Hageman	Vilas, R. F. D. 1	Watauga.
J. E. Kelley	Mount Olive	Wayne.
J. M. Mitchell	Goldsboro	Wayne.
T. N. Hayes	Purlear	Wilkes.
Abner Caudill	Hays	Wilkes.
George W. Connor	Wilson	Wilson.
F. W. Hanes	Yadkinville	Yadkin.
D. M. Buck	Bald Mountain	Yancey.

HOUSE OFFICERS.

NAME.	POST OFFICE.	POSITION.
T. G. Cobb-----	Morganton-----	Principal Clerk.
Alexander Lassiter-----	Aulander-----	Assistant to Principal Clerk.
R. L. Huffman-----	Morganton-----	Assistant to Principal Clerk.
W. N. H. Smith-----	Raleigh-----	Assistant to Principal Clerk.
Roy Leatherwood-----	Webster-----	Assistant to Principal Clerk.
Frank D. Hackett, Jr.-----	North Wilkesboro-----	Assistant to Principal Clerk.
R. M. Phillips-----	Sanford-----	Reading Clerk.
G. L. Kilpatrick-----	Kinston-----	Doorkeeper.
D. H. James-----	Scotland Neck-----	Assistant Doorkeeper.
M. D. Kinsland-----	Waynesville-----	Engrossing Clerk.

ENROLLING DEPARTMENT.

NAME.	POSITION.	POST OFFICE.
E. B. Norvell-----	Chief Clerk-----	Murphy.
Miss Emily P. Taylor-----	Assistant Clerk-----	Raleigh.
R. T. Wilson-----	Assistant Clerk-----	Danville, Va., R. F. D. 5.
J. R. Swann-----	Assistant Clerk-----	Marshall.

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA
RESIDENT IN OTHER STATES.

NAME.	ADDRESS.	EXPIRATION OF TERM.	
Bagley, E. G.-----	Danville, Va.-----	March	13, 1910
Braman, Ella F.-----	120 Broadway, New York City-----	April	9, 1910
Braman, Jos. B.-----	120 Broadway, New York City-----	May	30, 1909
Brinkley, Harry A.-----	Portsmouth, Va.-----	May	5, 1910
Burnett, Harry E.-----	228 S. 4th St., Philadelphia, Pa.-----	February	7, 1910
Cassell, Norman-----	Portsmouth, Va.-----	April	29, 1910
Corey, Edwin F.-----	56 Wall St., New York City-----	October	15, 1909
Corey, Geo. H.-----	56 Wall St., New York City-----	November	11, 1909
Elliott, Gilmer T.-----	Norfolk, Va.-----	December	14, 1909
Fisher, Abraham H.-----	18 E. Lexington St., Baltimore, Md.-----	November	30, 1910
Gilliam, Robert-----	Petersburg, Va.-----	May	21, 1909
Hesse, Henry-----	34 Nassau St., New York City-----	February	3, 1910
Hosier, J. Walter-----	Suffolk, Va.-----	December	7, 1910
Hunt, Thomas J.-----	623 Walnut St., Philadelphia, Pa.-----	December	9, 1909
Hendry, J. Burke-----	7 New Square, London, Eng.-----	May	10, 1909
Horne, Pearce-----	1300 Pennsylvania Ave., Washington, D. C.-----	March	3, 1910
Jordan, W. P., Jr.-----	Norfolk, Va.-----	November	19, 1910
Leonard, Frederick M.-----	119 S. 4th St., Philadelphia, Pa.-----	May	9, 1909
Lett, William F.-----	335 Broadway, New York City-----	March	22, 1911
McCarthy, Charles E. A.-----	30 Church St., New York City-----	June	13, 1910
Mitchell, John E.-----	Washington, D. C.-----	March	16, 1910
Manly, George W.-----	100 E. Lexington St., Baltimore, Md.-----	October	21, 1910
Mountcastle, G. B.-----	Richmond, Va.-----	April	22, 1910
Noell, Walter C.-----	Danville, Va.-----	February	23, 1911
Shannonhouse, William T.-----	Norfolk, Va.-----	September	21, 1909
Simmonds, M. H.-----	Norfolk, Va.-----	December	11, 1910
Tener, Kinley J.-----	603 Chestnut St., Philadelphia, Pa.-----	April	10, 1911
Williams, W. L.-----	Atlantic Trust Building, Norfolk, Va.-----	September	23, 1910
Worsfold, T. Cato-----	9 Staple Inn, London, Eng.-----	July	6, 1910
Way, L. B.-----	Norfolk, Va.-----	June	26, 1909
Wurts, John S.-----	Philadelphia, Pa.-----	July	25, 1910
Winston, James Horner-----	Norfolk, Va.-----	September	26, 1910

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CONSTITUTION
OF THE
STATE OF NORTH CAROLINA.

PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty Preamble.
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 con-
tinuance 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 Constiution :

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 happi-
ness; but every such right should be exercised in pursuance of law,
and consistently with the Constitution of the United States. Internal govern-
ment of the State.

SEC. 4. That this State shall ever remain a member of the Ameri-
can 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

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

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.

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 defense, and not to be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defense, 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.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense 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 inalienable 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.

- Education. SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.
- Elections should be frequent. SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles. SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, etc. SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, etc. SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.
- Ex post facto laws. SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.
- Slavery prohibited. SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace. SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by the 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 assembling. 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 senators. SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.
- Regulations in relation to restricting 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.

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

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

Vacancies.

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

Revenue.

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

Entails.

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

Journals.

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

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.

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

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

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

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

Extra session.

ARTICLE III.

EXECUTIVE DEPARTMENT.

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

the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of elections.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both houses of the General Assembly. The person having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, 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.

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

Officers whose appointments are not otherwise provided for.

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

Compensation of executive officers.

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

Seal of State.

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

Department of Agriculture, 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 Justice 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.

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

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

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

- In case of waiver of trial by jury. SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.
- Special courts in cities. SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.
- Clerk of Supreme Court. SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.
- 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.

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.

Sheriffs and Coroners.

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.

Vacancies.

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.

Vacancies in
office of Superior
Court Clerk.

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.

Officers of other
Courts inferior to
Supreme Court.

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

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.

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.

Application of proceeds of State and county capitation tax.

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.

Taxation shall be by uniform rule and ad valorem.

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

Qualifications of elector.

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

Qualifications of elector.

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 Con-

stitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as So help me, God."

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.

Disqualification for office.

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.

Trustees shall
assess property.

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.

No debt or loan
except by a ma-
jority of voters.

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

Drawing of
money.

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

Taxes to be ad
valorem.

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

When officers
enter on duty.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to ap-
point 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 re-
main 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 Gen-
eral 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 un-
der 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 corpo-
rations, 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 corpora-
tions 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.

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

Legislature to provide for organizing cities, towns, etc.

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.

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

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

Benefits of the University.

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

Board of Education.

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

President and Secretary.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

Power of board.

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

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.

SECTION 1. The personal property of any resident of this State to Exemption. 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 Homestead. therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the 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 execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

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

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

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

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

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 hus- insure his life for the benefit of wife and children. band the amount thus insured shall be paid over to the wife and children, or to the guardian if under age, for her or their own use, free from all the claims of the representatives of her husband or any of his creditors.

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

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

- Punishments.** SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.
- Convict labor.**
- Proviso.**
- Death punishment.** SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- 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.

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

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. Deaf-mutes, blind and insane.

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. Self-supporting.

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. Proviso.

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. Conventions, 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.

- Indictments. 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.
- 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.
- Proviso. 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.
- Intermarriage of whites and negroes prohibited.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.

SESSION 1909.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

SESSION 1909.

CHAPTER 1.

AN ACT TO AMEND SECTION 1253 OF THE REVISAL, RELATING TO JURY TAX IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand two hundred and fifty-three be amended by striking out all of said section after the word "thereof," in line eleven. Exception as to Pitt county.

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

Ratified this the 11th day of January, A. D. 1909.

CHAPTER 2.

AN ACT TO ESTABLISH A TOLLGATE ON MULBERRY GAP ROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the Boards of County Commissioners of Wilkes, Ashe and Alleghany counties shall, at their regular meeting in March, one thousand nine hundred and nine, or their next regular meeting afterward, select one man each from their respective counties as a road supervisor for the Mulberry Gap road herein-after set out. Said three road supervisors shall constitute a board for the management of said road. The road embraced in this act lies from the first ford of Mulberry in Wilkes County to the top of the Blue Ridge Mountain at Mulberry Gap, thence with the public road in Ashe and Alleghany counties to the first ford of Meadow Fork Creek, and with public road from Mulberry Gap in Ashe and Wilkes counties *via* the James Pender Store place in the direction of Ore Knob, same distance as from top of mountain to Meadow Fork Creek. Road supervisors to be appointed. Location of road.

Term of office of supervisors.	SEC. 2. That said board of supervisors shall serve for a term of two years and until their successors are chosen and qualified at the annual meetings in March, every two years, after one thousand nine hundred and nine, by the county commissioners of the counties of Wilkes, Ashe and Alleghany. Said supervisors shall each give bond in his respective county in the sum of two hundred dollars, to be approved by the county commissioners, and deposited with the register of deeds for the county in which the supervisor resides. Said board shall meet at some convenient place on said road on Friday before the first Monday in April, one thousand nine hundred and nine, and elect one of their members chairman and another secretary. The chairman may also be treasurer of said board, and said board shall be a body corporate under the name of the Board of Supervisors of Mulberry Gap Road, with all the necessary powers to carry out provisions of this act.
Bond of supervisors.	
Meeting for organization.	
Supervisors incorporated.	
Corporate name and powers.	
Supervisors to erect and maintain tollgate.	SEC. 3. The said board shall erect and maintain a tollgate on said road at some convenient place, and shall have same kept by some competent person or persons who shall at all times be under the supervision and control of said board of supervisors. Said board shall make such contract with said gate keeper at a fixed salary or commission upon the receipts of said tollgate, not to exceed twenty per cent. of the income of said gate for any one month, and said gate keeper shall execute a good and sufficient bond of two hundred dollars to the board of supervisors for the faithful performance of his duties. Also said gate keeper shall take an oath to faithfully perform his duties and duly account for and turn over all moneys coming into his hands as gate keeper of said road. Also said gate keeper shall keep a daily record of the names of all persons passing through said gate and amount collected from each person, which record shall at all times be open to inspection by the supervisors of said road, or any other person desiring to see the same.
Pay of gate keeper.	
Gate keeper to give bond.	
Gate keeper to qualify.	
Gate keeper to keep records.	
Pay of supervisors.	SEC. 4. Said supervisors shall receive as compensation for their services a sum not to exceed one dollar and twenty-five cents per day each for the time actually required to look after the affairs of said road, said amount to be paid out of the income of said road.
Application of receipts.	SEC. 5. The receipts of said tollgate, except so much as is necessary to pay the gate keeper and supervisors of said road, shall be applied to keeping in order and improving said road.
Reports of receipts.	SEC. 6. The gate keeper shall report to the chairman of the board of supervisors at least once each month, and oftener if called upon, the amount received in toll, and shall pay over to said chairman, whenever called upon, the amount so received. The members of the board of supervisors shall each report to the chairman of the board of county commissioners of their respective counties at least once each three months, giving amounts received and disbursed, and from and for what purposes. Such statement shall be under oath, and shall give the number of days served by each supervisor and amount paid for same.
Reports of supervisors.	
Statements to be under oath.	

SEC. 7. That the board of supervisors shall regulate the rate of Rates of toll. toll to be charged not to exceed the following, to-wit: for a four-horse wagon, thirty-five cents; two-horse wagon, twenty-five cents; two-horse buggy, twenty-five cents; one-horse buggy, fifteen cents; for ox teams, same as horses.

SEC. 8. That said supervisors may, if they deem advisable, allow any person or persons, who may wish to do so, to work on said road or to furnish hands to do same, and shall be allowed one dollar per day for doing said work, same to be taken up in travel on said road at specified rates, but said supervisors shall not run accounts with any one or allow any person to travel on said road without paying regular toll, except as herein provided. Work in payment of tolls.

SEC. 9. That it shall be a misdemeanor for any person to pass over said road and refuse to pay the toll as prescribed by this act, or to construct any road or passway around said tollgate to avoid payment of toll on said road or in any way willfully violate the provisions of this act, and upon conviction for violation of the provisions of this act, the punishment shall not exceed a fine of fifty dollars or imprisonment for thirty days, at the discretion of the court. Acts made misdemeanors. Punishment.

SEC. 10. That the supervisors may, if they deem proper, instruct the gate keeper to allow ministers of the gospel to pass through said gate free of toll, but this shall be allowed only in such cases as the said minister may be known to the gate keeper and be on his way either to or from a regular appointment as minister. Supervisors may exempt ministers.

SEC. 11. That in all criminal proceedings in any court concerning this road it shall remain a public road of the State, but proceedings for any violation of the provisions of this act may be instituted in either of the three counties above named. Criminal proceedings.

SEC. 12. That this act shall be in force from and after the first day of March, one thousand nine hundred and nine, and that chapter three hundred and forty-eight of the Public Laws of one thousand eight hundred and ninety-nine, and all other laws and clauses of laws in conflict with this act are hereby repealed. When act effective. Repealing clause.

Ratified this the 11th day of January, A. D. 1909.

CHAPTER 3.

AN ACT TO AMEND SECTION 1 OF CHAPTER 42 OF THE PUBLIC LAWS OF THE EXTRA SESSION OF 1908, THE SAME BEING "AN ACT FOR HOLDING THE COURTS IN CALDWELL COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter forty-two of the Public Laws passed at the extra session of one thousand nine hundred and eight, be amended by striking out the word "thirteenth," in

line nine of said act, and inserting in lieu thereof the word "eleventh," so that said term of court shall be held on the eleventh Monday after the first Monday in March, instead of the thirteenth Monday, as now provided.

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

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

Ratified this the 11th day of January, A. D. 1909.

CHAPTER 4.

AN ACT TO APPOINT G. N. ARRINGTON, E. S. MORGAN AND J. W. THOMISON JUSTICES OF THE PEACE FOR GRAPEVINE TOWNSHIP No. 14, IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas, at the last general election in Madison County, no election was held in Grapevine Township in said county, and said township is in need of justices of the peace; therefore, be it enacted, that G. N. Arrington, E. S. Morgan and J. W. Thomison of said township and county, be and are hereby appointed justices of the peace for said township and county, to continue in office until the first Monday in December, one thousand nine hundred and ten.

Justices of the peace appointed.

Term of office.

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

Ratified this the 11th day of January, A. D. 1909.

CHAPTER 5.

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

The General Assembly of North Carolina do enact:

Justices and townships.

SECTION 1. That justices of the peace be appointed for Rowan County for their respective townships as follows: Scotch-Irish, H. C. Turner and Jonathan Lyerly; Gold Hill, Z. Augustus Kluttz; China Grove, W. L. Kimball.

Term of office.

SEC. 2. That their term of office shall begin with the ratification of this act, and shall continue for six years from the beginning of said term.

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

Ratified this the 19th day of January, A. D. 1909.

CHAPTER 6.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY TO PAY FOR MAKING COURT DOCKETS FOR JUDGE AND BAR.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the county of Caldwell 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 criminal and civil 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. Allowance to clerks authorized.

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

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

Ratified this the 19th day of January, A. D. 1909.

CHAPTER 7.

AN ACT FOR THE RELIEF OF THOMAS N. HAYES, MEMBER-ELECT TO THE HOUSE OF REPRESENTATIVES FROM WILKES COUNTY.

Whereas Thomas N. Hayes, Esq., of Wilkes County, was duly Preamble. declared elected as a member of the House of Representatives of the General Assembly at the late election held for said county and State on Tuesday after the first Monday in November, one thousand nine hundred and eight.

And whereas the said Thomas N. Hayes has been physically Preamble. unable to attend upon the General Assembly and take the oath of office in the manner now required by law; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That said Thomas N. Hayes may take and subscribe the oath of office required of members of the General Assembly before the Clerk of the Superior Court of Wilkes County, who shall certify said fact under his hand and seal of office to the Chief Clerk of the House of Representatives, who shall certify the same to the Auditor, who shall draw his warrant upon the Treasurer for the payment of the *per diem* of said Thomas N. Hayes as a member of the General Assembly, and the Treasurer shall pay him four dollars per day during the session of this General As- Qualification before clerk of court authorized.
Clerk to certify to Auditor.
Auditor to draw warrant on Treasurer for per diem.

Release from attendance.

Proviso: mileage only on personal attendance.

sembly and he shall be released from attendance until his physical condition should be such as he could safely do so: *Provided, however,* that no mileage shall be paid said Hayes unless he shall attend in person upon the General Assembly.

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

Ratified this the 20th day of January, A. D. 1909.

CHAPTER 8.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five be amended as follows: In line five (5) thereof add after the word "incurred": "*Provided,* that in McDowell County tales jurors shall not receive more than one dollar per day, with mileage."

Proviso: tales jurors.

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

Ratified this the 21st day of January, A. D. 1909.

CHAPTER 9.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five be amended by adding the words "and Iredell" after the word "Greene," in line nine of said section.

Regular and tales jurors \$2 per diem.

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

Ratified this the 21st day of January, A. D. 1909.

CHAPTER 10.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF MOORE COUNTY TO ISSUE BONDS TO PAY THE IN-
DEBTEDNESS OF CARTHAGE TOWNSHIP FOR THE
WORKING AND MAINTENANCE OF THE PUBLIC ROADS
OF CARTHAGE TOWNSHIP.

The General Assembly of North Carolina do enact:

- SECTION 1. For the purpose of funding and paying off the in- Bond issue au-
thorized.
debtedness of Carthage Township, in the county of Moore, con-
tracted for the improvement and maintenance of the public roads
of said township, the board of commissioners of said county is
authorized and empowered to issue coupon bonds, payable to
bearer, for Carthage Township, bearing interest at a rate not Interest.
exceeding six per cent. per annum to the amount of the out-
standing indebtedness of said township at the date of the issue
of said bonds, but not exceeding twelve thousand dollars, of the Amount and
denominations.
denomination of one hundred dollars, five hundred dollars and
one thousand dollars, respectively, in the discretion of the said
board of commissioners; and said bonds shall be due and payable Maturity.
one thousand dollars January the first, one thousand nine hun-
dred and eleven, and one thousand dollars each year thereafter
on January the first. The said bonds shall be payable at the Place where
payable.
office of the treasurer of the county of Moore, and shall have
coupons attached representing the interest on said bonds, which
interest shall be payable semiannually January first and July
first of each year, and the said bonds and coupons shall be pre-
pared under the direction and supervision of the board of com-
missioners, and the said board of commissioners shall have power
and authority to determine any other provisions relating to said
bonds in its discretion, where the same is not in conflict with the
provisions of this act. Said bonds issued under this act shall Exemption from
taxation.
be exempt from all county and municipal taxation, and this fact
shall appear upon the face of said bonds.
- SEC. 2. The said bonds when issued shall be signed by the chair- Authentication.
man of the board of commissioners, countersigned by the clerk
of the said board of commissioners, and attested by the official
seal of said clerk, and upon the request of any holder of said
bonds the Clerk of the Board of Commissioners of Moore County
is authorized and empowered to register the said bonds and make Registration.
the same payable to the order of the registered holder only; and
from the date of said registration, which shall be entered upon
the face of said bonds, they shall cease to be payable to the
bearer.
- SEC. 3. That for the purpose of paying the accrued interest on Tax for interest
and sinking fund.
said bonds, and to provide a sinking fund for the payment of the
principal when due, the Board of Commissioners of Moore County

Tax limit.	shall levy and cause to be collected annually, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes in said Carthage Township, not exceeding thirty cents on each one hundred dollars' worth of property, and upon each taxable poll a tax not exceeding ninety cents.
Power to purchase outstanding bonds.	SEC. 4. That for the purpose of paying off said bonds with any money that may be on hand at any time belonging to the road fund of Carthage Township, the board of commissioners may, in their discretion, purchase annually, after the lapse of one year from the date of issuance of said bonds, any amount of said bonds issued and outstanding at their par value, with accrued interest.
Records to be kept.	SEC. 5. That the clerk of the board of commissioners of said county shall provide a record in his office in which shall be entered and kept the name of every purchaser of said bonds and the number and amount of the bonds purchased; and also a record of the bonds redeemed, together with the date of their redemption, and the bonds and coupons when redeemed shall be recorded as redeemed, and shall be destroyed by fire in the presence of the Board of Commissioners and the Clerk of the Superior Court of Moore County, and a record of said destruction shall be made, dated and kept by the clerk of said board.
Destruction of redeemed bonds.	
Advertisement of sale of bonds.	SEC. 6. That before selling the said bonds the said board of commissioners shall advertise the same for thirty days immediately preceding the day of sale at the courthouse door and in one or more financial newspapers or journals published in the United States, giving the time and place when bids will be opened for the sale of said bonds, and the terms on which said bonds are issued: <i>Provided</i> , that the board of commissioners shall have the right in its discretion to reject any and all bids for said bonds.
Proviso: rejection of bids.	
Specific appropriation of proceeds.	SEC. 7. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated for the purpose for which they are issued, as provided herein, and the board of commissioners shall cause the Treasurer of Moore County to open and keep separate account of said bonds. And the said treasurer shall be liable officially as well as personally to all the requirements of the law now prescribed for the county funds, or which may hereafter be prescribed for the faithful keeping
Separate accounts.	and disbursement of the said funds. And the board of commissioners shall require the said treasurer to give bond for the faithful and honest performance of the duties of his office in respect to said funds, which bond shall be in an amount not less than the aggregate proceeds of the sale of the said bonds issued under this act. The said treasurer shall receive in full compensation for his services in receiving, keeping and disbursing said funds one-half of one per centum on the amount of his disbursements, but shall receive no commission on receipts.
Liability of treasurer.	
Bond of treasurer.	
Compensation of treasurer.	

SEC. 8. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other county taxes, and they shall, in respect thereto, be liable officially as well as personally to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officers for the collection of county taxes shall include the taxes levied hereunder.

SEC. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of January, A. D. 1909.

CHAPTER 11.

AN ACT TO AMEND CHAPTER 29 OF PUBLIC LAWS OF THE STATE OF NORTH CAROLINA, EXTRA SESSION, 1908, RELATING TO THE PUBLIC SCHOOLS OF RALEIGH TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-nine of the Public Laws of North Carolina, extra session, one thousand nine hundred and eight be and the same is hereby amended as follows: That section one thereof be and the same is hereby amended as follows:

(1) Between the words "shall" and "order," in line three of said section, insert the word "immediately." Election to be ordered.

(2) In line four of said section, after the word "township" and before the words "to ascertain," insert the following words: "at such time, permissible under the law, as the school committee may elect." Date selected by school committee.

(3) In line six thereof, strike out the words "not less than ten" after the words "tax of" and before the word "cents," and insert in lieu thereof the word "fifteen." Minimum of rate.

(4) In line seven thereof strike out the words "nor more than twenty cents." Maximum of rate.

(5) In line eight thereof, after the word "and" and before the word "cents," strike out the words "not less than thirty," and insert the word "forty-five." Poll tax.

(6) Strike out all in line eight thereof, after the word "cents," and in line nine thereof, before the word "on" at the beginning, strike out the word "cents." Alternative poll tax rate.

(7) In line twenty-six thereof, between the word "such" and the word "election," insert the words "registration and"; and at the end of the same line strike out the words "general county." Payment of election expenses.

(8) After the word "fund" and before the word "and," in line twenty-seven thereof, insert the words "of Raleigh Township." Payment of election expenses.

(9) Strike out all after the word "then," in line thirty-three, all in lines thirty-four, thirty-five, thirty-six and thirty-seven, and all in line thirty-eight down to the word "collected," at the end thereof, and in lieu of all stricken out in said lines, insert the following: "the county commissioners shall levy said tax of fifteen cents on the one hundred dollars valuation of property and forty-five cents on each poll, in addition to all other taxes levied for all other purposes, including any special tax that may now be levied for school purposes, which shall be."

Method of levying tax.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 12.

AN ACT TO AMEND CHAPTER 338 OF THE PUBLIC LAWS OF 1905.

The General Assembly of North Carolina do enact:

Number of commissioners for Beaufort County.

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

Repealing clause.

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

Present incumbents not affected.

SEC. 3. That this act shall not be construed to apply to the present incumbents in office for the terms for which they have been elected.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 13.

AN ACT TO PROHIBIT THE KILLING OF SQUIRRELS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That from the fifteenth day of March to the fifteenth day of September in each year, it shall be unlawful for any person or persons to hunt, shoot or kill squirrels, in the county of Chowan.

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

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

SEC. 4. That the provisions of chapter one hundred and three, Repealing clause. Public Laws of one thousand nine hundred and three, so far as it applies to the county of Chowan be and the same is hereby repealed.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 14.

AN ACT RELATING TO SURVEYORS' FEES WHEN GIVING TESTIMONY.

The General Assembly of North Carolina do enact:

SECTION 1. That when a surveyor is subpœnaed as a witness to give evidence peculiarly in his knowledge as a surveyor, he shall receive such fees per day for his attendance upon court as the Judge in his discretion may allow. Fees as allowed by judge.

SEC. 2. That this act shall apply to Scotland and Anson counties only. Limit of application.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 15.

AN ACT TO AMEND SECTION 1207 OF THE REVISAL OF 1905, RELATIVE TO DISSOLUTION OF A CORPORATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand two hundred and seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by changing the period at the end thereof to a comma, and adding after said comma the following: "and a certified copy of said judgment shall be filed in the office of the Secretary of State and also in the office of the clerk of the Supreme Court." Certified copies to be filed.

Copies to be re-
corded.

Dissolution of
corporations.

rior Court of the county in which the principal office of the corporation is located, and the same shall be recorded in the 'Corporation Book' and in the 'Record of Incorporations' in these offices respectively, and thereupon said corporation shall be dissolved without being required to comply with section one thousand one hundred and ninety-five of the Revisal of one thousand nine hundred and five."

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 16.

AN ACT TO APPOINT W. L. DELAP, T. A. GOBBLE AND J. S. HEGE JUSTICES OF THE PEACE OF REEDY CREEK TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Justices ap-
pointed.

Township.
Term.

SECTION 1. That W. L. Delap, T. A. Gobble and J. S. Hege be and are hereby appointed and constituted justices of the peace for Reedy Creek Township, Davidson County, for a term to expire at the next general election for members of the General Assembly.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 17.

AN ACT REPEALING CHAPTER 849, PUBLIC LAWS OF 1907, RELATING TO MELVILLE AND HAW RIVER TOWNSHIP LINE, IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Act repealed.

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

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 18.

AN ACT TO AMEND SUBSECTION 15 OF SECTION 1318, VOLUME I, REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO THE POWERS AND DUTIES OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That after the word "necessity," at the end of line one, subsection fifteen of section one thousand three hundred and eighteen, Revisal of one thousand nine hundred and five of North Carolina, and before the word "and," at the beginning of line two of said subsection fifteen, there shall be inserted the following: "to establish and maintain wholly or in part one or more tuberculosis dispensaries or sanatoria."

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 19.

AN ACT TO REPEAL SECTION 5, CHAPTER 784 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter seven hundred and eighty-four of the Public Laws of one thousand nine hundred and three shall be and the same is hereby 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.

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 20.

AN ACT TO REGULATE HUNTING IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to kill or hunt any quail, dove, partridge or wild turkey, save between the twentieth day of November and the twentieth day of January next succeeding.

Misdemeanor.

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 five dollars nor more than fifty dollars, or shall be imprisoned not more than thirty days.

Punishment.

Application.

SEC. 3. This act shall apply only to Anson County.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 21.

AN ACT TO REPEAL CHAPTER 678 OF THE PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Road law for Rutherford county repealed.

SECTION 1. That chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed, except as hereinafter provided.

Effect of repeal.

SEC. 2. That this act shall not have the effect of re-enacting any special public road law heretofore enacted by the General Assembly for Rutherford County.

Money to be held by county treasurer.

SEC. 3. That all money now in the hands of the County Treasurer of Rutherford County, or which may hereafter come into his hands under or by virtue of chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and seven, shall be held by him subject to the further direction of the General Assembly, except as hereinafter provided.

Treasurer to pay debts and obligations.

SEC. 4. That the treasurer of said county shall be and he is hereby authorized and directed to pay all just debts and obligations contracted and made by the properly constituted public road authorities under the provisions of said chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and seven.

Road money to be paid to treasurer.

SEC. 5. That all public road money collected under and by virtue of said chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and seven, now in the hands of any person or persons in said county, shall be immediately paid over to the county treasurer to be held by him as hereinbefore

Proviso: collection of tax.

provided: *Provided*, that nothing herein shall be construed to prevent, or shall have the effect of preventing the collection, by the sheriff or tax collector of Rutherford County, the taxes levied for public road purposes in June, one thousand nine hundred and eight, for the fiscal year of one thousand nine hundred and eight, one thousand nine hundred and nine: *Provided further*, that the repeal of chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and seven shall not have the

Proviso: road duty.

effect of relieving any person or persons from public road duty now due, as provided in section four of said act.

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

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 22.

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF NORTHAMPTON COUNTY TO BE ABSENT FROM HIS OFFICE ON CERTAIN MONDAYS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Northampton County shall be allowed to be absent from his office during one Monday in August and one Monday in either November or December of each year, the said Mondays to be selected by said clerk, but said Monday shall not be a first Monday of any month.

Leave of absence.

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

Leave not to include first Monday.

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 23.

AN ACT TO AMEND SECTION 2776 OF THE REVISAL OF 1905, RELATIVE TO FEES FOR REGISTERING SHORT-FORM MORTGAGES, AND TO RE-ENACT CHAPTER 17 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1899, IN SO FAR AS IT AFFECTED WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and seventy-six of the Revisal of one thousand nine hundred and five be amended by adding in line fourteen, after the word "Union," the word "Wayne," and by striking out in line twenty-three of said section the word "Wayne."

Registration fee fifty cents.

SEC. 2. That chapter seventeen of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-nine be and the same is hereby re-enacted in so far as it affected Wayne County.

Former act revised.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 24.

AN ACT TO FIX BOUNDARY LINES OF SPECIAL SCHOOL TAX DISTRICTS IN STERLING'S TOWNSHIP, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Boundary of district No. 2.

SECTION 1. That the boundary lines of Special School Tax Districts Numbers Two and Seven, in Sterling's Township, shall be as follows: Number Two, beginning in the west side of Flower's Swamp, on the line between F. J. Nye and A. J. Surles, and runs west with said line to the Holly Branch; thence in a northwest direction, leaving Henry Harden's home place, in District Number Seven, to the ford of Little Indian Swamp, at the Ivy graveyard, south of J. H. Graham's; thence down Little Indian Swamp to Big Indian Swamp, and up Big Indian Swamp to the line between Henry Floyd and Troy Floyd; thence west with said line to the Leesville road; thence with the northwest line of Troy Floyd's plantation to the northwest corner of B. W. Rhodes' land; thence in a southwest direction, including J. C. Rhodes and Miles Johnson, to the southwest corner of Haynes Johnson's land; thence with the southern line of Haynes Johnson's land east to Big Indian Swamp; thence up said swamp to the southwest corner of Joel Herring's land; thence east with the southern line of Joel Herring's and John Waller's land to Flower's Swamp; thence with western edge of said swamp to the beginning. Number Seven, beginning in Big Indian Swamp, where Number Two stops in said swamp, and runs up said swamp to the Columbia and Charleston Railroad; thence up said railroad to Juniper Bay; thence across said railroad and along south side of said bay to the northern line of Hughey and Berry Lamb's land, and along said line to English Nye's northern line and runs that line; thence the northern line of Theophilus Ivey's land to Shelley's Bay, and along south and east of said bay to the northern line of Lelia Ivey's land, and along that line to the north line of L. A. Lawson's land, and from his land a direct course across Flower's Swamp; thence down east side of said swamp to the south line of the Pitman land and along said line to the south line of M. Shepherd's land and along said line to the west side of Flower's Swamp; thence down said swamp to the beginning of District Number Two; thence along the line of Number Two to the beginning of Number Seven.

Boundary of district No. 7.

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

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 25.

AN ACT TO REPEAL CHAPTER 202 OF THE PUBLIC LAWS OF 1907, RELATING TO THE FEES OF THE OFFICIALS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and two of the Public Act repealed. Laws of North Carolina, session of one thousand nine hundred and seven be and the same is hereby repealed.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 26.

AN ACT TO AMEND THE ROAD LAW OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and thirty-one of the Public Laws of North Carolina of one thousand nine hundred and seven be and the same is hereby amended by striking out in section twenty-three, in line fifteen, after the word "of" and up to the word "who," in line sixteen, the words "one dollar and fifty cents," and inserting in lieu thereof the words "two dollars."

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 27.

AN ACT TO APPOINT JUSTICES OF THE PEACE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That R. N. Cole, W. R. Sholer, E. W. Brown of Cypress Creek Township, and H. S. Thomas, T. G. Smith and S. W. Gresham of Limestone Township, and W. B. Register, C. C. James and D. Stokes Williams of Rockfish Township, and Frank Cherry of Wolfscrape Township, and P. L. Kornegay and B. F. Bennett of Glissons Township, and Thomas Perrett of Faisons Township, and Lawrence Southerland of Kenansville Township, and Frank Byrd of Magnolia Township, be and they are hereby appointed justices of the peace for Duplin County for a term of six years from and after the passage of this act.

Commutation for road work.

Cypress creek township.
Limestone township.
Rockfish township.
Wolfscrape township.
Glissons and Faisons townships.
Kenansville township.
Magnolia township.

Time for qualification.

SEC. 2. That the above justices shall qualify within thirty days after their appointment, except such as are now justices of the peace, who shall qualify within thirty days after their present term of office shall expire.

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 28.

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

Preamble.

Whereas, at the general election held for the county of Alleghany on the first Tuesday in November, one thousand nine hundred and eight, the following persons were voted for and declared elected, and have attempted to qualify and act as justices of the peace for said county, to-wit: For Gap Civil Township, H. M. Crouse, V. W. Reeves, R. V. Andrews, J. P. Andrews, D. C. Reeves, R. M. Nichols and J. C. Roup; for Prathers Creek Township, W. E. Sturgill, R. A. Price, J. S. Owens, W. F. Jones and W. H. Weaver; and whereas doubts exist as to the legality of such election on account of the fact that the persons voted for and declared elected were more than said townships were authorized by law to elect: therefore,

Justices and townships.

Preamble.

The General Assembly of North Carolina do enact:

Election declared valid.

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

Acts of justices legalized.

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 29.

AN ACT TO ESTABLISH A STOCK LAW IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Stock law extended.

SECTION 1. That from and after the first day of April, one thousand nine hundred and nine, the stock law shall be and is hereby established in all the county of Moore, and from and after said day it shall be unlawful for any live stock to run at large in any

part of said county, under the pains and penalties set forth in chapter thirty-five of the Revisal of one thousand nine hundred and five.

SEC. 2. That the county commissioners of said county are hereby authorized to dispose of either at public or private sale, as they may deem best, the public fences of said county, the keeping of which may be rendered unnecessary by this act, and turn over to the stock-law fund of said county all the proceeds arising from the sale of said fences. Sale of fences authorized.

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 the first day of April, one thousand nine hundred and nine. When act effective.

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 30.

AN ACT TO EMPOWER COMMISSIONERS OF RICHMOND COUNTY TO HIRE CONVICTS TO COMMISSIONERS OF ADJACENT COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Richmond County are hereby authorized and empowered to hire convicts sentenced to the roads of Richmond County to the county commissioners, or good roads authorities, of some other county. Convicts sentenced to roads may be hired to other counties.

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 31.

AN ACT TO AMEND CHAPTER 612, PUBLIC LAWS OF 1907, AND REGULATE THE CONTROL AND MANAGEMENT OF AUTOMOBILES AND OTHER VEHICLES UPON THE PUBLIC ROADS AND HIGHWAYS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and twelve of the Public Laws of one thousand nine hundred and seven, being "An act relating to the control and management of automobiles and other vehicles upon public roads and highways in Guilford, Wake and Law to embrace Anson county.

Wayne counties" be amended as follows: After the word "Wayne," in line thirteen of section one, insert the words "and Anson," and after the word "Wayne," in line three of section two, insert the words "and Anson," and at the end of section three add the following: "All the provisions of this act shall apply to the county of Anson."

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 32.

AN ACT TO AMEND SECTION 2028 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO TIME OF FILING NOTICE OF LIEN.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and twenty-eight of the Revisal of one thousand nine hundred and five of North Carolina be amended so that it will read as follows: Notice of lien shall be filed, as hereinbefore provided, at any time within twelve months after the completion of the labor, or the final furnishing the materials, or the gathering of the crops: *Provided*, that as to the rights of a purchaser for value and without notice the notice of lien must be filed within six months.

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 33.

AN ACT TO APPOINT TWO JUSTICES OF THE PEACE FOR GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act J. T. Bunch of Mintonsville Township, and R. C. Cowper of Hall Township, are hereby appointed justices of the peace, each for their respective township, in the county of Gates, for a term of six years.

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

Ratified this the 28th day of January, A. D. 1909.

Time for filing
notice of lien.

Proviso: rights of
purchasers.

Mintonsville
township.

Hall township.

Term.

CHAPTER 34.

AN ACT TO PREVENT THE DUMPING OF SAWDUST INTO
THE RUNNING STREAMS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the owner or operator of any sawmill in Nash County to dump sawdust into any of the running streams of said county except Tar River, Fishing, Swift, Turkey, Pigbasket, Stoney and Saponey creeks, in said county, or to run sawdust away from the sawmill so as the acid of the sawdust will go into the stream or streams: *Provided*, that this act shall not apply to any mill or mills operated by water power and which have no means of hauling dust from the stream. Dumping sawdust in streams forbidden.
Streams excepted.
Acid from sawdust.
 proviso: certain mills excepted.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 29th day of January, A. D. 1909.

CHAPTER 35.

AN ACT FOR THE RELIEF OF J. T. SPICER, CHARLES L.
LEWIS, R. C. PUCKETT AND C. C. HEGGIE, COMMISSIONERS OF THE TOWN OF STOVALL, IN GRANVILLE COUNTY.

Whereas, J. T. Spicer, Charles L. Lewis, R. C. Puckett and C. C. Heggie, who were named as commissioners of the town of Stovall, in Granville County, by chapter four hundred and thirty-six of the Private Laws of one thousand nine hundred and seven, entitled "An act to incorporate the town of Stovall, Granville County," and who, within a short time after the ratification of said act, on the eighth day of March, one thousand nine hundred and seven, assumed the duties of commissioners of said town, and who served, pursuant to the provisions of said act, as such commissioners until the election and qualification of their successors on the first Monday in May, one thousand nine hundred and eight, by inadvertence and oversight failed to publish, during their term of office, the annual statement of the taxes levied and collected in said town, with a statement of the amount expended by them, and for what purpose, as required by section two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five; and whereas such statement was published within a few days after the expiration of their term of office.

showing all the taxes levied and collected in said town, and the amounts expended by them and for what purpose; and whereas the said commissioners were faithful in the discharge of their duties and expended the taxes levied and collected in an honest and economical manner for the best interests of said town; and whereas certain parties have instituted an action against the said commissioners for the recovery of the penalty prescribed in section two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five, for failing to publish such statement: therefore,

The General Assembly of North Carolina do enact:

Release and discharge from penalties.

SECTION 1. That J. T. Spicer, Charles L. Lewis, R. C. Puckett and C. C. Heggie, commissioners of the town of Stovall, in Granville County, from March eight, one thousand nine hundred and seven, to the first Monday in May, one thousand nine hundred and eight, and each of them, and the town of Stovall, be and they are hereby released, and discharged from any and all penalties imposed by section two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five for failing to publish the annual statement as is prescribed in said section.

Effect and application of act.

SEC. 2. That this act shall be in full force and effect from and after its ratification, and shall apply to all actions now pending against the said commissioners or any of them.

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 36.

AN ACT TO PREVENT DUMPING SAWDUST INTO THE STREAMS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Dumping sawdust into running streams forbidden.

SECTION 1. That it shall be unlawful for the owner or operator of any sawmill in Macon County, or any agent or employee of such owner or operator to dump the sawdust from such mill into any river, creek, brook or other running stream of said county: *Provided*, that this act shall not apply to any mill or mills operated by water power and established and in operation at the ratification of this act.

Proviso: water mills established and in operation excepted.

Misdemeanor: punishment.

SEC. 2. That any person, corporation or company violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not more than ten (\$10) dollars, or imprisoned for not more than ten days.

Application of act.

SEC. 3. That this act shall apply only to Macon County, and shall be in force from and after its ratification.

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 37.

AN ACT TO AMEND SECTION 2798 OF THE REVISAL OF 1905
OF NORTH CAROLINA, RELATIVE TO THE PAY OF JURORS
IN NEW HANOVER COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five of North Carolina be amended by adding after the word "Nash," in the sixteenth line, on page eight hundred and forty of said Revisal, the words "and New Hanover."

Special
veniremen.

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

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 38.

AN ACT TO AMEND SECTION 1289 OF THE REVISAL OF 1905.
RELATIVE TO THE FEES OF WITNESSES IN WILKES
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand two hundred and eighty-nine of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following words: "*Provided*, that at least thirty days before each criminal term of the Superior Court the Clerk of the Superior Court of Wilkes County shall file with the Board of Commissioners of Wilkes County an estimate of the amount of money necessary to pay witnesses for the State fifty cents on the dollar of the amount due."

Provided: clerk of
superior court to
file estimates.

SEC. 2. That upon the filing of such estimate it shall be the duty of the County Commissioners of Wilkes County to order the Treasurer of Wilkes County to pay to the Clerk of the Superior Court of Wilkes County an amount of money sufficient to pay State's witnesses fifty per cent of their witness fee and take receipt for same.

County com-
missioners to pay
money over.

SEC. 3. That at each term of the court, when witnesses who shall have been duly subpœnaed on behalf of the State shall be discharged upon filing their ticket with the clerk of the Superior Court and assigning said ticket to Wilkes County, the clerk of said court shall pay said witness fifty per cent of the face value of said ticket, which ticket shall be preserved by the clerk till the case is finally disposed of, and at the termination of said case, if the defendant be adjudged to pay the cost, the same shall be taxed

Payments to
witnesses.

in the bill of cost which, when collected, shall be paid over to the Treasurer of Wilkes County, who shall pay balance to witness.

Clerk to pay over money collected.

SEC. 4. That within thirty days after each criminal term of the court the clerk of the Superior Court shall pay over to the treasurer all the money so collected from defendants on witness fee, and file a sworn statement of all money so collected.

Solicitor to give certificates to witnesses.

SEC. 5. That it shall be the duty of the solicitor, as each witness is discharged, to give him a certificate showing the number of days said witness is entitled to prove as a witness, which certificate shall be filed with the clerk.

Purchase of witness tickets by individuals.

SEC. 6. That if any individual shall purchase any witness ticket from any witness the county shall not be liable to pay said witness, unless it shall show upon said ticket the amount so paid by said purchaser, and then no greater amount than the amount so paid, and in no case to exceed fifty per cent of the face value thereof.

Application of act.

SEC. 7. That this act shall apply only to Wilkes County.

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

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 39.

AN ACT AMENDING SECTION 2021 OF THE REVISAL OF NORTH CAROLINA OF 1905, RELATIVE TO LABORERS' AND MECHANICS' LIENS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and twenty-one of the Revisal of one thousand nine hundred and five of North Carolina be amended as follows: By adding after the word "material" and before the word "the," in line sixteen (16) of said section, "and it shall be the duty of the owner to require in writing from such contractor or other person before paying any part of the contract price an itemized statement in writing, duly subscribed and sworn to by such contractor or other person, of the amount due, if any, to any such laborer, mechanic or artisan, and for material furnished; and any owner who shall fail to require the furnishing of such an itemized statement before making any payment on account of such contract shall become liable to the extent of such payment or payments to any person or persons for such sums as may be owing them for work or labor done or material furnished to or for said contractor, architect or other person in or about said property, and such sum shall be or become a lien on said property as specified in said section or any other law of this State, and as

Owners of property to require itemized statements from contractors.

Liability of owner.

Lien.

fully in all respects as if such itemized statement had been required and furnished."

SEC. 2. That this act shall apply only to Buncombe County. Application of act.

SEC. 3. That this act shall be in force from and after the first day of April, one thousand nine hundred and nine. When act effective.

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 40.

AN ACT TO AMEND SECTION 2001 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO TENANTS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and one of the Revisal of one thousand nine hundred and five of North Carolina be and is hereby amended by adding after the word "Washington," in line twelve, subsection four, the words "and Bertie," and by striking out the word "and" immediately preceding the word "Washington," in said twelfth line and subsection four. Forfeit of right of possession.

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

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 41.

AN ACT TO AMEND SEVERAL SECTIONS OF THE REVISAL OF 1905, TO-WIT: SECTION 2712, RELATIVE TO PAY OF SUPERVISORS OF PUBLIC ROADS; SECTION 2785, ALLOWING COUNTY COMMISSIONERS TO RECEIVE \$3 PER DAY FOR THEIR SERVICES, AND SECTION 2798, SO AS TO INCREASE THE PAY OF JURORS TO \$2 PER DAY AND MILEAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and twelve of the Revisal of one thousand nine hundred and five of North Carolina be amended by striking out all of said section after the word "Chairman," in latter part of line nine and first part of line ten, and inserting the following: "They shall receive two dollars *per diem* for holding said meetings, to be paid by the county, the same to be audited and allowed by the county commissioners as any other claim against the county." Pay of road supervisors.

SEC. 2. That section two thousand seven hundred and eighty-five of the Revisal of one thousand nine hundred and five be Pay of county commissioners.

amended by striking out the word "two," in line three, and inserting the word "three" therein.

Pay of jurors.

SEC. 3. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five be amended by striking out the words "one dollar and fifty cents," in line two, and inserting the words "two dollars" therein.

Application of act.

SEC. 4. This act shall apply to Johnston County only.

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

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 42.

AN ACT TO AMEND SECTION 2753 OF THE REVISAL OF 1905,
RELATIVE TO SALARY OF THE COMMISSIONER OF LA-
BOR AND PRINTING.

The General Assembly of North Carolina do enact:

Salary twenty
hundred dollars.

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

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 43.

AN ACT TO PRESCRIBE FEES FOR THE REGISTER OF
DEEDS FOR CATAWBA COUNTY FOR REGISTRATION OF
BUILDING AND LOAN DEEDS OF TRUST.

The General Assembly of North Carolina do enact:

Register's fee.

SECTION 1. That the Register of Deeds for Catawba County shall be allowed as a fee for his services for registering any deed of trust, in which real property is conveyed to a trustee to secure a loan from a building and loan association, the sum of eighty cents.

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

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 44.

AN ACT TO PAVE THE SIDEWALK IN FRONT OF THE
COUNTY COURTHOUSE, ON MAIN STREET, IN THE TOWN
OF HENDERSONVILLE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the county of Henderson shall be authorized, empowered and directed, and are hereby authorized, empowered and directed to put down a cement sidewalk in front of the county courthouse on Main Street in the town of Hendersonville to correspond with the sidewalks already constructed in front of the property of private owners abutting on said street.

County commis-
sioners to put
down cement
sidewalk.

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 45.

AN ACT TO CORRECT THE CALLS OF LAND GRANT
No. 347, IN CALDWELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That land grant number three hundred and forty-seven, issued to Abraham Sudderth, Jr., and dated seventeenth March, one thousand eight hundred and fifty-one, be corrected so that the calls may agree with the plat as follows: Beginning at a dead white-oak and hickory and runs east fifty poles to a stake in William Taylor's line, then south with said Taylor's line one hundred poles to a chestnut oak, then east on said Taylor's line one hundred and fifty poles to a stake on the bank of Steel's Creek, then up the meanders of said creek south forty-five west one hundred poles to a stake in Robert Auton's line, then west one hundred and fifty poles to a stake, then north one hundred and eighty poles to the beginning.

Grant to be
corrected.

Metes and bounds.

SEC. 2. That the Secretary of State be and he is hereby authorized to correct said grant upon the records in his office, and that the register of deeds for the county of Caldwell, upon presentation to him of a duly certified copy of this act be and is hereby authorized to correct said grant upon the records in his office in accordance with this act.

Correction to be
made on records.

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 46.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AT KANNAPOLIS, IN CABARRUS AND ROWAN COUNTIES, AND TO PROTECT PROPERTY AND PRESERVE THE PEACE OF SAID VILLAGE.

The General Assembly of North Carolina do enact:

Arrests without
warrant author-
ized.

Justices before
whom persons
arrested to be
taken.

Confinement
pending trial.

Duty of deputy
sheriff.

Power to sum-
mons posse.

Refusal to aid
deputy a mis-
demeanor.
Punishment.

Public drunken-
ness a misde-
meanor.

SECTION 1. That whenever it shall be necessary for the preservation of the public peace, good order and decency, of the protection of life, liberty, person or property of individuals in the village of Kannapolis, situated in Cabarrus and Rowan counties, or in one mile of the cotton mills erected in Kannapolis, the deputy sheriff or deputy sheriffs appointed by the Sheriff of Cabarrus County, living and residing in Kannapolis, shall have power and authority, and it shall be the duty of said deputy sheriff to arrest the body of parties violating the law in Cabarrus County in one mile of said cotton mills without warrant, and take such person or persons before the justice of peace residing in that part of Kannapolis which is in Cabarrus County, when and where formal complaints shall be made against such offenders as is prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs. The said officer shall likewise have authority and it shall be his duty to arrest the body of all persons violating the law in that part of Rowan County lying within one mile of the Kannapolis Cotton Mills without warrant, and take such persons before the nearest magistrate residing in Rowan County, when and where formal complaint shall be made against such offenders as is prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs. And in the meantime, and until the case of such person or persons charged with having violated the law shall be tried and disposed of by the justice of peace, such person or persons may be confined in a guardhouse or calaboose provided for that purpose by said officers, unless bail shall be given as provided by law. That it shall be the duty of said deputy sheriff to suppress all disturbances of the quiet and good order in the village of Kannapolis and to prevent as far as possible all injuries to property in said village, and if the deputy sheriff shall be resisted in the execution of his duty he shall have the power and it shall be his duty to call to his assistance any citizen or citizens, and if such citizen or citizens refuse to aid such officer when called he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 2. That any person found drunk on the streets or roads or in any public place in said village of Kannapolis, or on the

premises of the Kannapolis Cotton mills, or in one mile thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not exceeding ten days.

SEC. 3. That any person who shall use vulgar or obscene language on the premises of the Kannapolis Cotton Mills shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars, or be imprisoned not more than ten days.

Use of vulgar or obscene language a misdemeanor.

SEC. 4. That it shall be lawful for the justice of the peace residing in Kannapolis, if he has good reason to believe that any one has knowledge of the playing within one mile of the Kannapolis Cotton Mills any of the games prohibited by a law of this State, or that any one has knowledge of the unlawful sale of spirituous, vinous or malt liquors within one mile of the Kannapolis Cotton Mills, or that any person keeps a bawdy house or house of ill fame in one mile of the said cotton mills, to issue a summons in writing, commanding such persons to appear before him and give evidence of what he may know of such gaming or unlawful sale of liquors or bawdy house or house of ill fame, and the person giving such evidence shall not be prosecuted for having participated in such offense as he shall give evidence in.

Powers of justice of the peace in relation to gaming places, bawdy houses and sales of liquor.

SEC. 5. That said deputy sheriff shall wear a policeman's badge when on duty.

Persons giving evidence not prosecuted.

Deputy to wear badge.

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 47.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO OFFER A REWARD FOR THE CAPTURE OF J. C. WALKER.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Brunswick County be and they are hereby authorized to offer a reward not to exceed the sum of four hundred dollars to any person or persons for the capture of one J. C. Walker, who killed Sheriff Jackson Stanland of Brunswick County and effected his escape from the county jail in Brunswick, January twenty-ninth, one thousand nine hundred and nine, and is now a fugitive from justice.

Offer of reward authorized.

Limit.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 48.

AN ACT APPOINTING T. J. WOOTEN A JUSTICE OF THE PEACE FOR ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Appointment.
Term.

SECTION 1. That T. J. Wooten, of Maxton Township, be and he is hereby appointed a justice of the peace of Robeson County for a term of six years.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 49.

AN ACT TO AMEND SECTION 1042 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Sale of personal
property under
mortgage.

SECTION 1. That section one thousand and forty-two of the Revisal of one thousand nine hundred and five be amended by striking out in lines one and two the words "real and personal," and inserting between the words "all" and "property," in line one, the word "personal."

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 50.

AN ACT TO AMEND SECTION 1283, CHAPTER 22, REVISAL OF 1905, RELATIVE TO LIABILITY OF COUNTIES IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Half fees when
bill ignored.

SECTION 1. That section one thousand two hundred and eighty-three, chapter twenty-two. Revisal of one thousand nine hundred and five, be and the same is hereby amended by inserting in line thirteen, after the word "Mecklenburg" and before the word "Montgomery," the word "Mitchell."

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

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 51.

AN ACT TO AMEND CHAPTER 113, SECTION 5315 OF THE REVISAL OF 1905, OF NORTH CAROLINA, IN REFERENCE TO STATE BOUNDARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section five thousand three hundred and fifteen (5315) of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by inserting at the end of the said section the following words: "And the Governor is also authorized, whenever in his judgment it shall be deemed necessary to protect or establish the boundary lines between this State and any other State, to institute and prosecute in the name of the State of North Carolina any and all such actions, suits or proceedings at law or in equity, and to direct the Attorney General or such other person as he may designate to conduct and prosecute such actions, suits or proceedings."

Governor authorized to institute and prosecute suits.

Attorney general or other person to conduct actions.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 52.

AN ACT TO PREVENT THE SALE OR DISPOSAL OF TIMBER OR CROSS-TIES CAUGHT ADRIFT IN THE WATERS OF THE CAPE FEAR RIVER IN THE COUNTIES OF BRUNSWICK, NEW HANOVER AND PENDER.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation catching adrift any logs, piling, cross-ties, timber or lumber in the waters of the Cape Fear River or its tributaries, in the counties of New Hanover, Brunswick, above the mouth of Town Creek, or Pender, to dispose of or sell said logs, piling, cross-ties, timber or lumber without first advertising for fifteen days by posting four notices of such sale at four public places in the county in which said sale shall take place, one notice to be posted at the door of the county courthouse, one to be posted at the place where the sale will take place, and two at any other public places in the county; said notice to particularly describe the articles to be sold and where caught and when caught.

Sale without notice unlawful.

Notice and publication prescribed.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall upon conviction be fined not less than ten dollars or imprisoned not more than thirty days.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 53.

AN ACT TO AMEND SECTION 1311 OF THE REVISAL OF 1905, RELATING TO THE BOARD OF COMMISSIONERS FOR THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

Board to consist of five members.

SECTION 1. That section one thousand three hundred and eleven (1311) of the Revisal of one thousand nine hundred and five be amended by striking out the word "and," in line fifteen, and by inserting the words "and Pitt," in line sixteen, immediately after the word "Wayne."

Acts of present and preceding boards validated.

SEC. 2. That no act of the present or preceding boards of commissioners of Pitt County shall be held to be invalid or illegal because such boards were composed of five instead of three members; that all such acts are hereby validated and confirmed.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 54.

AN ACT TO PREVENT THE DEPREDAATION OF TURKEYS AND GEESE IN JACKSON AND SWAIN COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to allow turkeys or geese to run at large.

SECTION 1. That it shall be unlawful for any person or persons who raise turkeys or geese for the market or who sell the same in the market, in Qualla Township, in Jackson County, and Charleston Township, in Swain County, where the stock law prevails, to permit turkeys or geese to run at large, after being notified as in section two of this act, on the lands of any other person while such lands are under cultivation in any kind of grain or feed stuff or while being used for gardens or ornamental purposes.

Notification.

SEC. 2. That any person so permitting his turkeys or geese to run at large in the above-named territory, after having been notified to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars.

Misdemeanor.
Punishment.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 55.

AN ACT TO AMEND SECTION 1661 OF THE REVISAL OF 1905 OF NORTH CAROLINA, PERTAINING TO FENCES IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and sixty-one of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting the word "Sampson" between the words "Tyrrell and Brunswick," in line six of said section. Four and one-half feet lawful fence.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 56.

AN ACT TO PROTECT SQUIRRELS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That 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 county of Sampson, from the first day of March to the first day of November of each and every year. This act shall apply to Guilford County. Close season as to Sampson county.
Act applies to Guilford county.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 57.

AN ACT TO PERMIT GUARDIANS TO CULTIVATE LANDS OF THEIR WARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That where any parent of a minor child is now or shall hereafter qualify as guardian of his or her said minor child, and said ward shall own or be entitled to the possession of any real estate used or that may be used for agricultural purposes, it shall be lawful for such guardian to make application to the clerk of the Superior Court of the county wherein said land is situate for permission to cultivate said land, setting forth in said application the nature, extent and location of the same; whereupon it shall be the duty of the clerk of the Superior Court of said county to appoint three disinterested freeholders, residents of said county, Parents qualifying as guardian to make application to clerk superior court.

Jury to assess rental value.	who shall go upon said land and, after being duly sworn to act impartially, assess the annual rental value thereof. Said commissioners shall report their proceedings and findings to the clerk of the Superior Court within ten days after the notification of their appointment; and if said clerk shall deem the same to be to the interest of said ward he shall make an order allowing said guardian to cultivate said land for a term not exceeding three years (provided the same shall not extend beyond the coming of age of said minor) at the annual rental value assessed by said commissioners, to be paid to said wards by said guardian.
Clerk to make order if to interest of ward.	
Limit of order.	
Fees of commissioners.	SEC. 2. That said commissioners shall receive as compensation for said services the same fees as are allowed commissioners in partition of real estate.
	SEC. 3. That this act shall be in effect from and after its ratification.
	Ratified this the 4th day of February, A. D. 1909.

CHAPTER 58.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY A SPECIAL TAX FOR BRIDGE PURPOSES.

The General Assembly of North Carolina do enact:

Special tax authorized.	SECTION 1. That the commissioners of Rutherford County are hereby authorized and empowered to levy a special tax of not exceeding twenty cents on the one hundred dollars' worth of property for the purpose of building bridges in Rutherford County and paying for bridges already constructed or contracted for; said tax to be levied for the years one thousand nine hundred and nine and one thousand nine hundred and ten.
Limit.	
Term.	SEC. 2. This act shall be in force from and after its ratification.
	Ratified this the 4th day of February, A. D. 1909.

CHAPTER 59.

AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF DURHAM, AND IN DURHAM TOWNSHIP, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Recorder's court created and established.	SECTION 1. A special court for the trial of petty misdemeanors committed in the city of Durham and in Durham Township, Durham County, and to be designated as the "Recorder's Court of Durham," is hereby created and established.
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SEC. 2. Said court shall be a court of record, and it shall be Court of record. presided over by a recorder, who shall be a qualified voter of Durham Township, Durham County, and a regular practicing attorney therein and, in his absence or sickness, by a substitute recorder, who shall possess the qualification of the recorder. Recorder. Substitute recorder.

SEC. 3. Said recorder and substitute recorder shall be each elected at a joint meeting of the members of board of aldermen of the city of Durham and the members of board of commissioners of the county of Durham, at the courthouse in said county, at twelve o'clock of the day, on the first Monday of January, one thousand nine hundred and ten, and every two years thereafter. Election of recorder and substitute recorder. The term of office of the recorder and substitute recorder elected as herein provided shall be two years. Term of office. Until said election is held, R. H. Sykes is hereby appointed recorder of said court and J. E. Pegram is hereby appointed substitute recorder of said court. Recorder and substitute named. Said recorder and substitute recorder herein appointed and each recorder and substitute recorder to be elected as herein provided shall, before entering upon the discharge of his duties, take and subscribe the oath required of Judges of the Superior Court, before the Clerk of the Superior Court of Durham County, which said oath shall be recorded by said clerk. Recorder and substitute to qualify. The salary of the recorder shall be twelve hundred dollars per year, to be paid monthly out of the funds and in the manner as herein provided. Salary.

SEC. 4. The court shall hold daily sessions, Sundays excepted, at the courthouse in Durham County, except when the Superior Court shall be in session in said county, during which time the sessions of said recorder's court shall be held at such place as shall be provided by the board of commissioners of the county of Durham and the board of aldermen of the city of Durham, and it is hereby made the duty of the said board of commissioners of the county of Durham and the board of aldermen of the city of Durham to provide a suitable place for the holding of the said courts during the term of the Superior Court in Durham County. Time and place of sessions. The first session of said court shall be held on the second Monday morning after the ratification of this act. Place for session to be provided. The Secretary of State is directed, upon the ratification of this act, to forward a certified copy thereof to the board of aldermen of the city of Durham and to the board of commissioners of the county of Durham. First session of court. Secretary of state to furnish copies of act.

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

SEC. 6. There shall be a clerk of said court, who shall be a qualified voter of the township of Durham, and who shall be elected as hereinbefore provided for the election of the recorder. Clerk of court. Election.

Term.	of said court, and shall hold office two years, and, until said election is so held, R. A. Harris is hereby appointed clerk of said court. The salary of said clerk shall be forty dollars per month, to be paid as hereinafter provided for the payment of the salary
Clerk named.	
Salary.	
Clerk to give bond and to qualify.	of the recorder of said court. Before entering upon the duties of his office as such clerk, the clerk herein appointed and the clerk of said court whose election is herein provided for shall enter into a bond, with good and sufficient surety, to be approved by the recorder of said court, in the sum of fifteen hundred dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting for all moneys which may come into his hands as such clerk; and said clerk herein appointed and the clerk whose election is herein provided for shall, before entering upon the discharge of his duties, take and subscribe an oath now provided by law for clerks of the Superior Court before the Clerk of Superior Court of Durham County, who shall record said oath.
Jurisdiction.	SEC. 7. The jurisdiction of said court shall be as follows:
Criminal offenses within justices' jurisdiction.	(a) Said court shall have final, exclusive, original jurisdiction of all criminal offenses committed within the city of Durham which are now within the jurisdiction of the justices of the peace or which may hereafter be within the jurisdiction of the justices of the peace.
Violations of town ordinances.	(b) Said court shall have final, exclusive, original jurisdiction of all violations of town ordinances committed within the limits of the city of Durham.
Criminal offenses in township.	(c) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed within Durham Township, outside of the corporate limits of the city of Durham, which are now or may hereafter be within the jurisdiction of the justices of the peace.
Jurisdiction as to offenses enumerated.	(d) Said court, in addition to the jurisdiction conferred in subsections (a), (b), (c) of this section, shall have final, exclusive, original jurisdiction of the following criminal offenses, to-wit: Carrying concealed weapons; gaming; gambling; keeping gambling tables and houses; keeping bawdy houses and disorderly houses; the larceny of and the receiving stolen goods, knowing them to be stolen, where the property stolen does not exceed ten dollars in value; for failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property; trespassing on land after forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by a false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public

health, as contained in the Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and all crimes which at common law are misdemeanors, wherein the punishment is in the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment therefor shall be as now prescribed by law.

(e) In any other criminal matter wherein said court has not final jurisdiction it shall have power and it is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed within the city of Durham or the township of Durham, whereof the preliminary investigation is now conferred on justices of the peace or the Mayor of Durham, and to render such judgment in such matters as now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof. And any and all cases heard by the recorder of the court established by this act as committing magistrate against any person or persons for any offense whereof said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance, with sufficient surety, if the crime be bailable under the law, to appear at the next term of the Superior Court of Durham County for the trial of criminal cases, and in default of such bond or recognizance such or persons shall be committed to the common jail of Durham County to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Durham County to await the action of the Superior Court thereof.

Jurisdiction in preliminary investigations.

Proviso: jurisdiction in prosecutions heretofore instituted.

Committals and bail.

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

Power to sentence persons convicted to road work.

Commitments.

(g) Warrants may be issued by the recorder of said court for any person or persons charged with commission of any criminal offenses of which the said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the Supreme Court.

Warrants.

Right of appeal.

rior Court of Durham County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Jurisdiction of offenses heretofore committed.

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

Costs.

SEC. 8. The costs of serving warrants, subpoenas and other

Fees.

process issued by said recorder's court shall be the same as now fixed by law, and shall be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses and for making up bill of costs and for any other process or writ issued by said court or services performed by said clerk, for which a fee is now prescribed by law, shall be the same as now fixed by law for justices of the peace and clerks of the Superior Courts in similar cases; and every defendant convicted, adjudged guilty or who pleads guilty in said court shall be taxed

Costs to be paid over to county treasurer.

with the costs of the prosecution, as now prescribed by law, and all such costs recovered and collected in said court, except costs due to the sheriff, constable, police officers or special deputized officer, shall be paid on Monday of each week by the clerk of said

Account and report of costs.

court to the Treasurer of Durham County, who shall keep a separate account thereof, and who shall report to the board of aldermen of the city of Durham and the board of commissioners of the county of Durham, on the first day of each month, the amount

Monthly reports of clerk.

paid him by said clerk. And the said clerk shall file with the board of aldermen of the city of Durham and the board of commissioners of the county of Durham, on the first day of each month, an itemized statement of all costs collected by him and

Disposal of fees.

paid to the treasurer of the county of Durham for the month preceding. Out of the fees so paid to the treasurer of the county by the clerk of said court there shall be paid monthly, if same be sufficient, the salary of the said recorder, the compensation of the

Appropriation to court if fees insufficient.

prosecuting attorney and the salary of the clerk of said court and the expenses of stationery, books, files, dockets and other such expenses of said court. If the fees so collected and paid to the treasurer of the county of Durham shall be insufficient to pay

Disposal of excess of fees.

said salary of the said recorder and the said clerk and the expenses of said court and the compensation of the prosecuting attorney, then the difference shall be paid one-half by the city of Durham and one-half by the board of commissioners of the

county of Durham. If the fees at the end of each year shall be in excess of the salary of the recorder and of the clerk for the year and the expenses for stationery and other expenses of said court, the said excess shall be paid by the treasurer of the county of Durham—one-half to the treasurer of the city of Durham and

Fines.

one-half retained by the said treasurer and credited to the general county fund of the county of Durham. The clear proceeds of

all fines collected by the clerk of said recorder's court shall be paid to the treasurer of the county of Durham and shall be held by said treasurer for the purposes now provided by law.

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

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

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

SEC. 12. Said court shall also have jurisdiction to try all actions for recovery of any penalties imposed by law or this act or by any ordinance of the city of Durham for any act done within said city of Durham contrary to law or said ordinances, and said penalty shall be recovered in the name of the said city of Durham.

SEC. 13. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing of trial and punishment imposed, which record shall at all times be open to and subject to inspection by the board of commissioners of the county of Durham and the board of aldermen of the city of Durham and other persons having business relating to said court. He shall provide a permanent docket for recording all

Process and service.

Road work for fine and costs.

Proceedings.

Right of appeal.

Bond on appeal.

Jurisdiction for recovery of penalties.

Records to be kept by clerk.

Dockets.

Files. the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep records of all causes which shall be disposed of in the said court and what disposition has been made of them.

Cases hearable before mayor. SEC. 14. All cases which have heretofore been hearable by the Mayor of Durham shall, after this act goes into effect, be tried

Cases pending in Superior court. by the recorder appointed in this act; but no cases which are pending in the Superior Court of Durham County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court; and all cases pending before the justices of the peace of Durham County shall be tried and disposed of by said court in accordance with the law as it existed at the time of the ratification of this act.

Cases pending before justices. Recorder and substitute to practice law. SEC. 15. That the recorder and substitute recorder of said court shall not by virtue of his office as recorder be prevented from practicing law in matters in which he is in no way connected by reason of the said office, or in other courts in the State in matters which have not been heard or will not be heard by him as recorder; that the clerk of said court shall not be deprived of holding other office, the duties of which will not interfere with his performing the duties of said office of clerk.

Clerk may hold other office. Substitute recorder to preside in absence of recorder. SEC. 16. In the absence of the recorder from the city of Durham, in the event of sickness or disability to hold the daily sessions of said court, the court shall be presided over by the substitute recorder elected as herein provided, and he shall have all the powers and perform all the duties the same as the recorder. His compensation shall be five dollars per day, to be paid out of the salary of the recorder.

Compensation. Removal for cause. SEC. 17. The recorder, substitute recorder or the clerk of said court may be removed from office by the board of aldermen and the Board of Commissioners of Durham County in joint session, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality or incompetency and continued neglect of the duties of his office; and if either of said officers is removed the said boards at said joint meeting shall elect his successor for the unexpired term.

City attorney to prosecute. SEC. 18. The city attorney of the city of Durham shall prosecute any and all actions before said recorder's court, and his compensation shall be fixed by the board of aldermen and board of county commissioners (one-half to be paid by the city of Durham and one-half by the county of Durham) at a joint meeting to be held on the first Monday of the month next following the enactment of this law.

Compensation. SEC. 19. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 20. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 60.

AN ACT TO REGULATE THE PAY OF JURORS IN
WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the pay of jurors attending upon the Superior Court of Wilson County shall be as follows:

(a) Each regular juror shall receive two dollars for each day Regular jurors. which he serves, and no mileage.

(b) Each tales juror shall receive one dollar and twenty-five Talesmen. cents for each day he serves, and no mileage.

(c) Each special venireman, when not impaneled for jury serv- Special venire-
ice, shall receive fifty cents, and no mileage, and when impaneled men.
shall receive two dollars for each day which he serves, and no mileage.

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

SEC. 3. This act shall apply only to Wilson County.

Application.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 61.

AN ACT TO APPOINT M. C. PADGET A JUSTICE OF THE
PEACE FOR LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That M. C. Padget, of Lincolnton Township, Lincoln Appointment. County, be and is hereby appointed a justice of the peace for Lincolnton Township, in said county, to hold office for a term of Term. six years from the ratification of this act.

SEC. 2. That it shall be lawful for the said M. C. Padget to re- To retain books
tain any unfilled docket, The Code and other books furnished to and records.
justices of the peace, now in his possession, for the proper conduct of the business of the office of justice of the peace.

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

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 62.

AN ACT TO AMEND SECTION 2721 OF THE REVISAL OF 1905, RELATIVE TO ROAD LAW.

The General Assembly of North Carolina do enact:

Road duty. SECTION 1. That section two thousand seven hundred and twenty-one of the Revisal of one thousand nine hundred and five be amended by striking out the words "the road shall require not more than" and the word "any," in line two of said section, and the word "one," in line three, and insert in lieu thereof the word "each."

Application. SEC. 2. That this act shall apply to Yadkin County only.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 63.

AN ACT TO PROTECT THE PUBLIC ROADS OF NEW HANOVER COUNTY BY LEVYING A LICENSE TAX ON AUTOMOBILES AND OTHER MOTOR VEHICLES FOR THE REPAIR OF THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

License tax. SECTION 1. That all owners of automobiles or other motor vehicles in New Hanover County shall pay to the sheriff of said county an annual license tax, to be used for the repair of the public roads, of two dollars for each runabout or other motor vehicle of sixteen horse power or under, and four dollars for each touring car or other motor vehicle of over sixteen horse power.

Amount. SEC. 2. That this license tax is due and payable at the same time as other county taxes: *Provided, however,* that the clerk of the Superior Court shall not permit the registration of the number and owner's name of any such automobile or other motor vehicle without the presentation of the sheriff's receipt for this license tax, and that in the event that any such machine shall be on such registration book and the tax shall not have been paid, then such registration shall be void and the owner liable to all of the penalties for nonregistration.

Registration void. SEC. 3. That all visiting automobiles owned by nonresidents of New Hanover County shall be exempt from this license tax for the first two weeks of their visit.

Automobiles owned by non-residents.

SEC. 4. That all moneys received from this license tax shall be Disposal of tax. turned over to the county treasurer, and by him kept as a separate fund and paid out upon the order of the board of county commissioners exclusively for the repair of the public roads of the county.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 64.

AN ACT TO VALIDATE THE ACTS OF W. B. HODGES, A JUSTICE OF THE PEACE FOR THE COUNTY OF WASHINGTON.

Whereas W. B. Hodges, a justice of the peace for Washington Preamble. County, has officiated in the performance of several marriage ceremonies and other official acts since the expiration of his term of office, December, one thousand nine hundred and six, supposing at the time he was still a justice of the peace: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That said official acts of W. B. Hodges are hereby ratified and confirmed from December first, one thousand nine hundred Official acts ratified and confirmed. and six, to December first, one thousand nine hundred and eight.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 65.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the following-named persons be and are hereby Appointment. appointed justices of the peace for Montgomery County for the following townships for a term of six years from the expiration of Term.

their present term of office of those who are now justices, and from the ratification of this act for those who are not now holding said office; and said justices shall qualify within thirty days from Time for qualification. the expiration of their said present term of office or ratification of this act for those who are not now justices: Troy Township, Troy township. D. D. Bruton, C. J. Poole; Pee Dee Township, A. R. Moore, F. L. ship. Pee Dee township.

Cheek's creek township.
 Rocky springs township.
 Hollingsworth township.
 Hill township.
 Little river township.
 Ophir township.
 Eldorado township.

Andrews, H. P. Montgomery; Cheek's Creek Township, D. J. Poole, C. C. Winfrey, W. H. Usery, J. C. Thompson; Rocky Springs Township, J. I. McIntyre, A. R. Bowden, M. A. Bennett, Thomas B. Rush; Hollingsworth Township, A. B. McKaskill, R. B. Sutton, J. C. Britt; Hill Township, Hiram Freeman, George W. Stewart, R. R. Auman, R. L. Davis, E. K. Auman; Little River Township, George H. Cornelison; Ophir Township, J. H. Futrel; Eldorado Township, J. F. Bruton, J. A. Gambol.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 66.

AN ACT TO EMPOWER THE EX-SHERIFF OF GRAHAM COUNTY TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.
 Years.

SECTION 1. That J. A. Annmons, ex-Sheriff of Graham County, is hereby authorized and empowered to collect all taxes in his hands that are due and unpaid for the years one thousand nine hundred and three, one thousand nine hundred and four and one thousand nine hundred and six.

Limit of act.

SEC. 2. This act shall continue in force until January first, one thousand nine hundred and ten.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 67.

AN ACT TO REPEAL CHAPTER 513, PUBLIC LAWS OF 1907, RELATIVE TO INCREASING COMMISSIONERS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Act repealed.

SECTION 1. That chapter five hundred and thirteen, Public Laws of one thousand nine hundred and seven, be and the same is hereby repealed.

When act effective.

SEC. 2. That this act shall be in force from and after the first Monday in March, one thousand nine hundred and nine.

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 68.

AN ACT TO CHANGE THE TIME OF MEETING OF THE
BOARD OF COMMISSIONERS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular and special meetings of the Board of County Commissioners of Dare County shall be held on Tuesday after the first Monday in each month. Date of meeting.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 69.

AN ACT TO AMEND GUILFORD COUNTY SALARY BILL.
ACTS OF 1905 AND 1907, RELATIVE TO THE ALLOWANCE
FOR THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the act known as the "Guilford County salary bill," chapter two hundred and seventy-five, Public Laws of one thousand nine hundred and five, and acts amendatory thereof, be and the same are hereby amended by allowing the clerk of the Superior Court of said county a sum not exceeding one thousand and five hundred dollars per annum for clerk hire in his office, if in the judgment of the county commissioners said amount is necessary. Allowance to clerk
for clerk hire.

The said county commissioners are also authorized to reimburse the clerk of the court and the register of deeds for any amounts paid out by themselves personally for clerk hire in their respective offices during the years of one thousand nine hundred and seven and one thousand nine hundred and eight, if in the judgment of the commissioners such expenditures were necessary to the county. Reimbursements
authorized.

SEC. 2. That the county shall pay the premium on the official bond of the county treasurer. County to pay
premium on treasurer's bond.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 70.

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

The General Assembly of North Carolina do enact:

Grand, petit and
tales jurors.

SECTION 1. That all grand, petit and tales jurors summoned to attend and who do attend the Superior Courts of Columbus County shall be allowed two dollars per day for their services as jurors and five cents per mile for travel going to and returning from such courts.

Special venire-
men.

SEC. 2. That all special veniremen who are summoned to attend and who attend said courts and who are not accepted as jurors shall be allowed the sum of one dollar each.

SEC. 3. That all laws in conflict with this act are hereby repealed, in so far as they relate to Columbus County.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 71.

AN ACT TO APPROPRIATE CERTAIN MONEYS NOW IN THE HANDS OF J. R. SWANN, FORMER MANAGER OF MADISON COUNTY DISPENSARY.

Preamble.

Whereas that chapter two hundred and twenty-seven, Public Laws of one thousand nine hundred and seven, entitled "An act to prohibit the manufacture and sale of spirituous liquors in Madison County," came into force and effect on July first, one thousand nine hundred and eight, repealing chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and three, creating the dispensary in said county, without making any provisions for the settlement of the business and the appropriation of any funds that might come into the hands of the manager after July first, one thousand nine hundred and eight; and whereas there is about six hundred dollars of such funds now in the hands of J. R. Swann, former manager of said dispensary, and he desiring authority of law to rightfully dispose of this fund: now, therefore,

The General Assembly of North Carolina do enact:

Manager to pay
funds to county
treasurer.

SECTION 1. That J. R. Swann, former manager of the Madison County dispensary, is hereby authorized and directed to pay over

to the Treasurer of the County Board of Education of Madison County all moneys now on hand derived from the settlement of the former dispensary business since July first, one thousand nine hundred and eight. Said funds are to be applied to the building fund for Marshall District, Number One, for white race, to be used only for payment upon the public-school property of said district. Disposal of funds.

SEC. 2. That J. R. Swann, former manager, be allowed ten per cent of such fund for his services in winding up the affairs of said dispensary after July first, one thousand nine hundred and eight. Allowance to manager.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 72.

AN ACT TO AMEND SECTION 3773 OF THE REVISAL OF 1905, IN RELATION TO BRIDGES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and seventy-three of chapter eighty-one, Volume One of the Revisal of one thousand nine hundred and five of North Carolina, be amended by striking out the word "one," in line three of said section, and inserting the word "three" in lieu thereof. Number corrected.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 73.

AN ACT TO DEFINE AND MAKE CERTAIN THE DIVIDING LINE BETWEEN THE COUNTIES OF ALLEGHANY AND WILKES, ON THE BLUE RIDGE MOUNTAIN, NEAR ROARING GAP.

Whereas there is some dispute and misunderstanding as to the correct line dividing the counties of Alleghany and Wilkes, on the Blue Ridge Mountain, near Roaring Gap: therefore,

The General Assembly of North Carolina do enact:

Line defined.

SECTION 1. That the division line between the counties aforesaid, at the places named herein, shall hereafter be as follows: "Beginning in the recognized line between said counties, on top of the Blue Ridge, near a big gate, and about two hundred yards west of Roaring Gap Hotel, running then south six hundred feet, and then eastward to the southwest corner of H. E. Fries' lot, and then to southeast corner of the same, and then east to the Surry County line."

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 74.

AN ACT TO AMEND SECTION 3136 OF THE REVISAL OF 1905.
SO AS TO MAKE THE TIME REQUIRED FOR PUBLICATION OF CITATION IN CASES OF CAVEAT FOUR INSTEAD OF SIX WEEKS.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That the word "six," in line eleven of section three thousand one hundred and thirty-six, be stricken out and the word "four" be inserted in lieu thereof.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 75.

AN ACT TO REGULATE THE PAY OF JURORS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That the jurors who are regularly drawn by the commissioners of Duplin County to serve as jurors at all regular terms and all special terms of Duplin County Superior Court shall receive the sum of two dollars per day and three cents per mile for the distance to and from their homes.

SEC. 2. That the tales jurors who are summoned by the Sheriff of Duplin County from the bystanders to serve as tales jurors shall receive the sum of one dollar and fifty cents per day and three cents per mile for the distance to and from their homes. Tales jurors.

SEC. 3. That the county commissioners of Duplin County be and they are hereby directed to pay the jurors in Duplin County according to the provisions of this act, and that all special venire-men who are summoned to serve on any special venire in capital cases and who are rejected and do not serve on said venire shall receive the sum of one dollar per day, without mileage. County commissioners to pay jurors.
Special venire-men.

SEC. 4. That this act shall apply to Duplin County only Application.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 76.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the following-named persons be and they are hereby appointed and constituted justices of the peace for their respective townships in Nash County for a period of two years from and after the date they are sworn in by the Clerk of the Superior Court of Nash County, which oath shall be taken within sixty days after the ratification of this act: Rocky Mount Township, J. P. Daughtry, T. H. Lacy; Stony Creek Township, B. H. Bunn; Jackson's Township, I. F. Strickland, L. F. Warren; Castalia Township, D. S. Rice, G. D. Taylor, H. B. Arrington; Ferrall's Township, D. E. Cone, W. B. Bergeron; Nashville Township, J. W. Walker; North Whitaker's Township, J. O. Hearne; South Whitaker's Township, W. P. Davis; Griffin's Township, C. E. Hedgepeth, George Cooper; Bailey's Township, Robert C. Glover, George R. Finch; Cooper's Township, Joseph W. Langley; Dry Wells Township, J. W. Driver, J. H. Smith. Term.
Time for qualification.
Townships and justices.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 77.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF WAKE COUNTY TO BORROW MONEY.

The General Assembly of North Carolina do enact:

Power to borrow money.

SECTION 1. That for the purpose of enabling the Board of Education of Wake County to maintain and operate the public schools in said county for the constitutional period of four months, the said board of education is hereby authorized and empowered to borrow from time to time such sums of money, not exceeding the sum of \$10,000, as in the judgment of said board are necessary to enable it to carry into effect the purpose aforesaid, and to use any and all moneys that may come into their hands as such board (except the proceeds of special taxes levied and collected for local school purposes) to discharge the indebtedness so created.

Amount.

Special tax authorized.

SEC. 2. That in order to raise the funds necessary to maintain and operate the public schools of said county for said period of four months and, if necessary, to pay the indebtedness created under authority of section one of this act, the county commissioners of Wake County are authorized and empowered to levy and collect such tax in excess of the constitutional limitation as in their judgment may be necessary for such purpose.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 78.

AN ACT AUTHORIZING THE COMMISSIONERS OF CHATHAM COUNTY TO ISSUE BONDS TO PAY ITS PRESENT FLOATING INDEBTEDNESS INCURRED PRIOR TO JANUARY 1, 1909.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

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 nine, for the building of bridges in said county of Chatham and between the counties of Lee and Chatham, contracts for said bridges having been made prior to the said first day of January, one thousand nine hundred and nine, and also for other outstanding floating indebtedness incurred for necessary expenses of the said county of Chatham on the first day of January, one thousand nine hundred and nine, the board of commissioners of said county of Chatham is hereby authorized to issue coupon

Bond issue authorized.

bonds of the said county to an amount not exceeding thirty 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 at a rate not greater than five per cent per annum, payable semiannually on the first days of April and October in each year, the said semiannual payments to be represented by coupons attached to each of the said bonds and to be identified by proper numbers and such other means as said board may determine.

SEC. 2. No bonds issued under the provisions of this act shall be sold or disposed of, or 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.

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 nine; 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.

SEC. 4. The treasurer or officer performing the duties of treasurer of said county shall be allowed for disbursing the said bonds an amount to be fixed by the board of commissioners of said county not to exceed two and one-half per cent.

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 requirements of law now prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

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

Sale of bonds, not below par.

Notice of sale.

Specific appropriation.

Separate accounts.

Allowance to treasurer.

Special tax.

Levy and collection of tax.

Outstanding debt called in.

of the county or that was outstanding on the first day of January, one thousand nine hundred and nine, 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.

Interest to cease.

Liability of purchaser.

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.

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 79.

AN ACT TO LEVY A SPECIAL TAX IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Special tax authorized.

Years.

Purpose of tax.

Rate.

Levy.

SECTION 1. The Board of Commissioners of Ashe County are authorized and empowered to levy a special tax for one thousand nine hundred and ten and one thousand nine hundred and eleven to pay principal or interest on the courthouse bonds or for other indebtedness existing in said county when the levy is made. The special tax shall not exceed thirty cents on the one hundred dollars' valuation of property in said county, and shall be levied at the same time and in the same manner as other taxes are levied on all the taxable property in said county.

Collection of tax.

Specific appropriation.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 80.

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE ROAD LAWS OF BUNCOMBE COUNTY AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES IN SAID COUNTY, AND FOR OTHER PURPOSES RELATING TO SAID COUNTY.

The General Assembly of North Carolina do enact:

Former road law repealed.

SECTION 1. That chapter four hundred and eleven of the Public Laws of the year one thousand nine hundred and three and all amendments thereto are hereby repealed.

SEC. 2. That the board of county commissioners of the county of Buncombe, at their regular meeting in June, in the year one thousand nine hundred and nine, and at each regular annual meeting thereafter, shall provide a fund for the construction and repairing of the public roads in said county by levying a special tax of not exceeding twenty cents on the one hundred dollars' worth of all property in said county subject to taxation. Special road tax to be levied.

SEC. 3. That said special tax shall be included in a separate column of the tax books and shall be collected by the tax collector of said county as other taxes are collected, which said special tax shall be collected and shall constitute, when collected, a county road fund, to be expended on the construction and repairs of roads and bridges in said county. Levy and collection of tax.

SEC. 4. That all resident male persons between the ages of eighteen and forty-five shall work on the public roads of said county for four days in each year, under such rules and regulations as the board of commissioners shall prescribe: *Provided, however,* this act shall not take the power from the said commissioners to exempt any one from working on said roads on account of physical inability. The road year under the provisions of this act shall begin on the first Monday of March in each year. Road duty.

SEC. 5. Every person who may be liable to work upon the public roads in said county, as in this act provided, may, when summoned to perform such labor, tender and pay to the supervisor or other person in charge in lieu of such labor a sum of money equal to not less than one dollar for each day he may be required to work, and it shall be the duty of the person in charge of the work to receive said sum and give receipt therefor, and all moneys collected as provided in this section of this act shall be placed in the general road fund, as provided by this act, and shall become a part thereof. Proviso: exemption from road duty.

SEC. 6. That all male persons confined in the county jail, either under a final sentence of the courts of the State of North Carolina or the police or city court of the city of Asheville, for crime or imprisonment or nonpayment of fines and costs, or under final judgment in cases of bastardy or under the vagrant acts, and all persons sentenced from said county to prison for a term of less than ten years shall be worked upon said public roads under the provisions of this act. Said board of commissioners shall provide for the care, custody and safe-keeping of all such persons or convicts. They shall clothe and feed them and provide medical attention; they shall appoint and select all necessary guards or other persons to assist in their detention, and the persons so selected for these purposes shall be responsible and liable for their proper care, treatment and detention. Convicts subject to road work.

SEC. 7. That in no case shall a person be compelled to wear striped or convict clothing unless said person was convicted of a felony, when such person shall be compelled to wear striped or convict clothing. Care and custody of convicts.

Females not sub-
ject to road work.

SEC. 8. That no female person shall be made to work on said roads.

Regulations for
whipping unruly
convicts.

SEC. 9. That when any convict on said roads becomes unruly, so as it becomes necessary for the person in charge or guards to whip said convict, he shall call in two persons to witness the whipping, and the superintendent shall keep a record of the offense for which the said convict was whipped, the number of blows inflicted and the names of the witnesses present, and report the same to the Board of Commissioners of Buncombe County; and any overseer or guard or other person in charge who shall whip a convict in a cruel and unmerciful manner shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Cruel or unmerci-
ful whipping a
misdemeanor.
Punishment.

Commissioners
may adopt other
plan or system.

SEC. 10. That said commissioners may adopt any other method, plan or system for sustaining and keeping in repair said public roads of said county not inconsistent with the provisions of this act, and may use said road fund and labor provided for in this act, under such rules and regulations as they may prescribe.

Road machinery.

SEC. 11. That the board of commissioners of said county may in their discretion purchase such improved road machinery, equipment and other implements and tools as may be deemed necessary in constructing and keeping in repair said public roads, and shall employ such labor or help as in their opinion may be necessary.

Employment of
labor.

Appropriations
for extraordinary
expense.

SEC. 12. That the said board of commissioners shall have discretionary power to make an appropriation out of said road fund for putting in repair any place in any public road in said county requiring more than an ordinary expenditure of money or labor.

Penalties for non-
performance of
road duty.

SEC. 13. That all persons who are subject to road duty under this act shall be governed by the law now in operation in relation to fines and penalties for nonperformance of road duty.

Appointment of
overseers by town-
ships.

SEC. 14. That said board of county commissioners may, on the first Monday in March of each year, appoint a competent overseer for each township or any part of a township, who shall receive such compensation as said board may prescribe. It shall be the duty of said township overseer to certify to the county commissioners each quarter after March first, one thousand nine hundred and nine (1909), the amount of work done by such persons as may labor on any road, either as provided for in section five of this act or otherwise, and the amount due said person, if any, in accordance with the rules and regulations made by said board of county commissioners, and, when approved by said commissioners and found to comply with rules and regulations as provided by law, the same shall be paid by the county commissioners out of said road fund; or the said board of commissioners may, instead of appointing overseers as herein provided, adopt and put into operation any other plan or mode not inconsistent with the general laws of the State for the construction, repair and mainte-

Compensation.

Certificates for
work done and
amounts due.

nance of the public highways and bridges of the county of Buncombe; and to this end they are hereby authorized and empowered to divide the public highway into sections or road districts and to appoint overseers thereof, as to them may seem best, assigning to such road or roads or districts such persons as are now required by law to work upon roads; and whenever in their judgment it is best for the public interest they may enter into a contract or contracts with any person or persons to construct, repair and maintain any of said bridges, roads or any portion thereof at such price and upon such terms as may be agreed upon, and to pay therefor out of the common or general road fund of the county. It shall be the duty of the said board of commissioners of said county to employ the convicts in the construction and macadamizing of the principal thoroughfares of said county until the same shall have been completed to its several boundary lines: *Provided, however,* that the said convict force may be employed and used for the repair of other roads and bridges when, because of the exigencies of the case, the labor assigned to them or other means adopted for their maintenance are inadequate.

Roads may be divided into districts.

District overseers.

Roads may be let to contract.

Construction of principal thoroughfares.

Proviso: use of convicts for repairs.

SEC. 15. The said board of county commissioners are authorized to elect or designate a competent person to act as road engineer or surveyor in the constructing, improving, locating, relocating or making any new roads, cartways or changing any old road or any part thereof or in laying out or discontinuing cartways. Said board may elect such person to serve for a stated period, or they may designate some person to act as engineer in each particular case as it may arise.

Road engineer.

SEC. 16. That the said board of commissioners of said county shall have the exclusive power and authority to lay out all new roads, to locate, relocate, change or discontinue any old road or any part thereof, and to lay out, make or discontinue any and all cartways or any part thereof in said county, and for these purposes they are hereby vested with the power of condemnation. Said new roads, changes or discontinuances shall be made in the following manner, to-wit: Whenever said board shall be of the opinion that it is necessary and for the public good that any new road or cartway shall be made or that any old road or cartway shall be changed or relocated or discontinued, said board shall so declare, and shall appoint one or more of its members, who, together with the road engineer or a competent surveyor to be designated for that purpose, shall view the premises and lay out the same, and they shall make report of their action to the board. The board shall either approve or disapprove said report at its next regular meeting, and if said board approves the same it shall immediately order and direct the making and laying out of said road or the making of any change or discontinuance, and the same shall be done by the overseer and the hands under his charge for

Location of roads and cartways.

Power of condemnation. Procedure for location, change or discontinuance of road.

that particular road, or the board may cause the same to be done by an appropriation, in whole or in part, for said purpose, or it may be done by the county convicts. If any person or persons whose land is affected by any new road or any change or relocation of any old road shall, within thirty days after said order is made directing the said making of said new road or any change in any old road, claim damages therefor, he or they shall demand of said board in writing damages for the same, and if said board and said owners or the person affected cannot agree upon the amount of said damages, then said board, within not less than sixty days after the completion of said road, shall order a jury of three disinterested freeholders, who shall not reside in the immediate vicinity of the said new road, to be summoned by the sheriff or constable, who shall give said landowners or their local representatives forty-eight hours' notice of the time and place when and where said jury, after being duly sworn, shall view the premises, and shall, after taking into consideration the benefit of said new road to the public travel and to the owners of the land, and the increase in the value of his land by reason of said new road, shall assess the damages, and if said benefit shall be considered equal to or greater than the damages sustained the jury shall so declare. Benefits may also be assessed by said jury against the property of any owner on said new road. Said jury shall at the next regular meeting file their report in writing, showing damages and benefits, if any. The board shall either approve or reject said report, and if damages are assessed, the same shall be paid by the county out of the road fund. If the jury shall assess benefits, the same shall be a lien against the landowner, and the amount of the same shall be paid by the landowner to the Treasurer of Buncombe County into the road fund of the county. If such landowner shall within sixty days fail to pay the amount of such benefits, the clerk of the board shall certify the same to the clerk of the Superior Court, who shall record in the judgment docket the amount of the benefits, together with the name of the owner, and such recording shall cause the same to become a judgment against the property of the owner, and the same shall be collected by the issuing of execution in the same manner as other judgments are collected as is now provided by law. The landowner or said board may appeal from the finding of the jury, as to damages or benefits, to the Superior Court, where the question of damages or benefits shall be heard *de novo*, as in the cases of appeals from justices of the peace, but no appeal shall be made from the discretionary finding of said board as to the necessity for any new road or any change, relocation or discontinuance of any old road. Cartways shall be laid out by said board in the same manner as herein provided for the laying out of roads, except that it shall not be necessary for an engineer to assist in laying out cart-

Claims for damages. Procedure for settlement of damages.

Benefits may be assessed.

Benefits assessed a lien on land.

Certificate and record of lien for benefits.

Collection.

Right of appeal.

Procedure for laying out cartways.

ways unless the petitioners request his services; except, also, that no cartway shall be ordered or authorized except upon petition and until after the owners of the land over which the same is to go shall have had ten days' notice in writing. All damages which shall be assessed by the board of commissioners at the time said cartway is laid out, as well as the cost of laying out and making the same, shall be paid by the person or persons petitioning for the same. Any person or persons who may desire a cartway or may be opposed to the making of a cartway may appeal to the Superior Court from the action of the board in either granting or refusing the same. If the landowner be a nonresident of the county and has no local representative, it shall be deemed sufficient service of said notice for said sheriff or constable to forward by United States mail a written notice for the purpose, time and place of said meeting of said landowner seven days in advance of such meeting, and also to post a notice of the same for seven days at the county courthouse door.

Damages paid by petitioners.

Appeals.

Notice to non-residents.

SEC. 17. That for the purpose of carrying out the provisions of this act the board of county commissioners and the said road engineer are hereby authorized to enter upon 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 said county, and they are hereby authorized to condemn a road or cartway 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 owners having in charge lands from which timber, stone, gravel, sand or clay may be 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 a 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.

Entry upon lands for material.

Accounts for material.

Arbitrations.

SEC. 18. That the said board of commissioners may receive from any other county to be worked on the roads of Buncombe County

Convicts from other counties.

prisoners or convicts who may be assigned by the several Judges of the Superior Court to work on its roads, but said board shall have the right to refuse to receive or work any such prisoners or convicts on the roads of said Buncombe County, and when such prisoners or convicts are received and worked on said public roads the said board of commissioners shall not pay or allow any compensation to the county sending such prisoners or convicts for the services of such convicts, and shall only be required to provide them with proper food, clothing and medical attention.

Damage of roads.

SEC. 19. It shall be the duty of each overseer appointed under this act to drain or cause to be drained any road or part of any roads under his charge, and in doing so he shall make such waterways, ditches and drains as will cause the water to run in its natural course, and the water from such road shall be conducted through such ditches to or over the lands of the abutting landowner in such manner as will best drain the road, at the same time with due regard to the interest of the landowner. If it be necessary in order to properly drain any road, said overseer shall dig such ditch or ditches as may be necessary over the land of the adjoining landowner, doing as little damage as possible. Whenever it shall be necessary, in the opinion of the overseer, that such a ditch or drain is required, the landowner shall permit the overseer and his assistants to go upon his land and dig such ditches and make such drains as may be necessary to conduct the water through the same, and if any landowner or other persons refuse to permit or allow such ditches or drains, he or they shall be guilty of a misdemeanor and upon conviction be punished in the discretion of the court.

Ditches through adjacent lands.

Landowners to permit entry

Misdemeanor.

Punishment.

Regulations for control and management of convicts.

SEC. 20. All convicts worked upon the roads of Buncombe County shall be worked under and controlled by and shall be subject to the same rules and regulations as may now be or shall hereafter be prescribed by the Board of Directors of the State's Prison for the control and management of convicts who may be imprisoned in the State's Prison.

Revisal applicable.

SEC. 21. The provisions of chapter sixty-five of the Revisal of one thousand nine hundred and five are hereby declared to be in all respects applicable to said Buncombe County, except wherein they conflict with any of the provisions of this act.

Bond issue validated.

SEC. 22. The action of the board of commissioners of said county in heretofore issuing and selling sixty thousand dollars of funding bonds of said county, dated February first, one thousand nine hundred and six, and of issuing and selling forty thousand dollars of jail bonds of said county, dated January first, one thousand nine hundred and eight, is hereby in all respects ratified, approved and confirmed, and they are hereby declared to be valid and binding obligations of said county, and the board of commissioners of said county are hereby authorized and empowered, at the time

other taxes are levied, to levy annually a special tax upon all the Special tax. property of said county of sufficient amount to pay the interest on said two issues of bonds as the same becomes due, and the principal thereof at maturity.

SEC. 23. That section seven of chapter nine hundred and forty-two of the Public Laws of one thousand nine hundred and seven, relating to said county, is hereby amended by striking out the words "one hundred and twenty-five," in line five, and inserting in lieu thereof the words "three hundred." Pay of assistant to auditor.

SEC. 24. That section eight of said chapter nine hundred and forty-two of said Public Laws of one thousand nine hundred and seven is hereby amended by striking out the word "not," in line eight, and inserting in lieu thereof the word "also." Mileage to county commissioners.

SEC. 25. The auditor of said county shall, beginning with the first Monday of March, one thousand nine hundred and nine, and quarterly thereafter, make out in detail and cause to be published one time in some newspaper published in Asheville a complete statement, showing all expenditures of the county and all receipts from all sources for the preceding three months. He shall also, on the first Monday in December, one thousand nine hundred and nine, and annually thereafter, at the time the quarterly statement herein required for the preceding quarter is published, make out and publish a statement showing the total receipts and expenditures of the county for the preceding twelve months. The statements herein required shall be published in lieu of the annual statements now required by law. Quarterly statements of expenditures and receipts. Annual statements.

SEC. 26. That all laws in conflict with any of the provisions of this act are hereby repealed.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 81.

AN ACT TO AUTHORIZE AND DIRECT THE TREASURER AND SHERIFF OF SWAIN COUNTY TO PAY THE CLAIMS ISSUED BY THE BOARD OF THE COUNTY COMMISSIONERS OF SWAIN COUNTY ACCORDING TO THE DATE OF THEIR ISSUE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Register of Deeds of Swain County to keep a record of the number, date, amount, and to whom issued, of all claims of indebtedness issued by the Board of County Commissioners of Swain County, and it shall be the Register of deeds to keep record of claims.

List to be furnished sheriff and treasurer.

Compensation to register.

Payment of claims.

Forfeit.

duty of the register of deeds of said county, immediately after the adjournment of each meeting of said board, to furnish the sheriff and treasurer with a list of all claims, with the date, amount, number and to whom issued by said board; and it shall further be the duty of the said register of deeds, as *ex officio* clerk of said board, to furnish the treasurer and sheriff with a list of all such claims now outstanding which have heretofore been issued by the Board of Commissioners of Swain County, and said board shall allow the said register of deeds such compensation therefor as they shall deem proper.

SEC. 2. It shall be the duty of the treasurer and sheriff aforesaid to pay off and discharge said claims, when properly authenticated, according to their number and dates, and in the event he fails so to do he shall forfeit and pay to the party aggrieved the sum of twenty-five dollars for such offense.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1909.

CHAPTER 82.

AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN McNEILL'S TOWNSHIP, MOORE COUNTY.

The General Assembly of North Carolina do enact:

Road commissioners.

Qualification.

Term of office.
Vacancies.

Election of successors.

Pay of commissioners.

Township incorporated.

SECTION 1. That A. Cameron, J. W. McCaskill and I. F. Chandler be and they are hereby created a board of road commissioners for McNeill's Township, Moore County, who shall qualify by taking an oath to faithfully and honestly discharge the duties of their office, and shall hold office until the first Monday in January, one thousand nine hundred and eleven, with authority to fill any vacancies that may occur in said board. On the first Monday in January, one thousand nine hundred and eleven, the Board of Commissioners of Moore County shall elect the board of road commissioners for said township from the resident freeholders of said township, who shall hold their office for two years from said election and until their successors shall be elected and qualified, and after the said first Monday in January, one thousand nine hundred and eleven, the term of office of said board of road commissioners shall be two years. The members of said board of road commissioners shall receive for their services not more than two dollars per day for the time actually employed in performing the duties of their office, hereinafter prescribed.

SEC. 2. That the said division of Moore County known as McNeill's Township shall, for the purpose of this act, be and is hereby declared a body corporate by the name and style of "McNeill's

Township," and is vested with all the necessary power and authority to carry out the provisions of this act and exercise all the rights and privileges incidental to municipal corporations generally. The board of road commissioners of said township and their successors are declared to be the corporate agents of said township, and may sue and be sued under the name of the "Board of Road Commissioners of McNeill's Township," and shall have the power and authority to carry out the provisions of this act.

SEC. 3. That it shall be the duty of said board of road commissioners to take entire control and management of all the public roads in said township, and the said board shall have the power and it shall be their duty to determine what public roads shall be opened, built, improved, relocated or discontinued in said township.

SEC. 4. For the purpose of carrying out the provisions of this act the board of road commissioners shall meet at stated times, not less than once in every three months, and may delegate to one of their number any or all powers conferred on said board of road commissioners by this act. The said board of road commissioners shall annually elect one of their number chairman of the board, and shall also elect a secretary, who may or may not be a member of the board, who shall keep an accurate account of all the proceedings had by the board at each meeting thereof, in a suitable book provided for this purpose, and do such other work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.

SEC. 5. The board of road commissioners created by this act and the board to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who shall hold office during the term of said respective boards. All road taxes collected by the Sheriff of Moore County for McNeill's Township and all moneys collected by said sheriff or any other persons on account of said roads shall be paid to said treasurer, and upon receipt of said moneys the said treasurer shall give receipt therefor. The said Sheriff of Moore County is hereby required to settle with said treasurer not later than the second Monday in May of each year, and the Treasurer of Moore County is hereby authorized and directed to pay to the Treasurer of the Board of Road Commissioners of McNeill's Township, as soon as his bond has been approved, all moneys for the road fund of said township. Said treasurer shall also receive the proceeds from any bonds that may be sold under the provisions of this act and any interest that may accrue from the sinking fund herein provided for. Before entering upon the duties of his office said treasurer shall execute a bond, with sufficient sureties, in a sum to be fixed by said board of road commissioners, not less than the

Corporate name.

Corporate agents.

Control and management of roads.

Duty of commissioners.

Meetings of commissioners.

Delegation of powers.

Chairman and secretary.
Duties of secretary.

Compensation of treasurer.

Election of treasurer.

Moneys to be paid over to treasurer.

Sheriff to settle with treasurer.

Proceeds of bonds.

Bond of treasurer.

Orders for payment of road funds.	amount of funds that may come into his hands during any one year, conditioned as provided by law for the faithful discharge of his duties as treasurer, which bond shall be approved by the Board of Commissioners of Moore County and recorded in the book of official bonds of said county. Said treasurer shall only disburse said funds coming into his hands and belonging to the road fund of said township upon written orders signed by the chairman of the board of road commissioners, which shall be the only sufficient voucher for the disbursement of said fund. The said treasurer shall render an itemized account of the receipts and disbursements of said road fund to the board of road commissioners of said township every three months, and said reports, when approved by the board of road commissioners of said township, shall be recorded in the office of the Register of Deeds of Moore County, in the book of official reports. The said board of road commissioners shall fix the compensation to be paid to the treasurer: <i>Provided</i> , it shall not exceed one per cent of all the disbursements made by said treasurer. Said board of road commissioners may require the treasurer to execute the bond herein required in some bonding company to approved by the board, in which case the said board of road commissioners shall pay the premiums due on said bond out of the road fund of said township.
Quarterly accounts.	
Compensation of treasurer.	
Premium for bond.	
Election and duty of supervisor.	SEC. 6. The board of road commissioners shall annually appoint or elect a supervisor of roads, whose duty it shall be, under the direction of the board of road commissioners, to supervise, direct and have charge of the maintenance, improvement and construction of all the public roads in McNeill's Township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the cost of the work on the public roads of said township, all expenditures made thereon for the month, together with any other information that may be required by said board from time to time, and he may be required by said board to give bond in such sum as said board may fix for the faithful performance of his duties and for the proper keeping of accounts, said bond to be approved by the board of road commissioners, and may by their order be recorded in the office of the register of deeds of said county. The board of road commissioners of said township shall fix the compensation to be paid said supervisor for his services.
Monthly statements.	
Bond of supervisor.	
Compensation of supervisor.	
Purchase of tools and machinery.	SEC. 7. The said board of road commissioners shall have full power and authority to purchase tools, machinery and other things necessary for the laying out, working, maintenance and establishment of the public roads of said township, and may employ a surveyor to lay out the roads of said township and make any changes in said roads that they may deem necessary.

SEC. 8. Said board of road commissioners shall audit the account of the Sheriff of Moore County for all taxes levied and collected for the road fund of said township under the provisions of this act, and make a settlement of the same between said sheriff and the treasurer of said board, which said settlement shall be spread upon the records in the office of the register of deeds of said county, and said board of road commissioners may institute and prosecute any action for the recovery of any such taxes or any road fund for which any officer may fail to properly account.

Audit and settlement of accounts of road funds.

SEC. 9. Any member of the board of road commissioners or supervisor of McNeill's Township who shall make or cause to be made any fraudulent order, whereby money is to be paid out of said township road fund, shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court, and shall upon conviction be removed from office.

Fraudulent orders.

Misdemeanor. Punishment.

SEC. 10. That for the purpose of building or contracting, repairing or maintaining public roads in said township, under the direction of the board of road commissioners, the said supervisor shall have full power and authority to enter in and upon any lands*in said township or any adjoining lands near any public road in said township and cut down and carry away any trees or timber or remove any sand, clay, gravel or stone which may be necessary to repair, construct or improve said roads, and may also construct or open upon or over said lands all necessary ditches or drains for the construction, improvement or maintenance of said road.

Entry on lands for materials.

Ditches and drains.

If the owner of the land over which any road is constructed or from which any material is removed, or on which any drains or ditches are made or caused to empty, shall demand compensation and present his claim to the board of road commissioners, it shall be the duty of said board to pass and consider the same and to pass an order for the payment of said account, if the said board shall deem it just: *Provided*, that in the event any person over

Claims for compensation.

whose land any new road has been located or material removed or drains made shall claim damage therefor, which the said board shall refuse to pay, such person claiming damages shall, within thirty days after the location of the road, the removal of material or making said drains, petition said board of road commissioners for a jury to assess said damages. It shall then be the duty of said board, within sixty days after the completion of said road, to order a jury of three disinterested freeholders of McNeill's Township to be summoned by the Sheriff of Moore County as provided by law, and the jury so selected shall give three days' notice to the landowner where and when the said jury shall meet to assess his damages; and it shall be the duty of said jury in considering said damages to take into consideration and decrease said damages by any benefit to the owner of the land by reason of the construction or improvement of said road, and if the benefits

Proviso: procedure for settlement of damages.

- derived are equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to the board of road commissioners for confirmation or revision: *Provided further*, that the landowner may appeal to the Superior Court of Moore County from the decision of the jury and board of road commissioners.
- Proviso: right of appeal.**
- County commissioners to order election.**
- Notice of election.**
- Question to be voted on.**
- Proviso: Successive elections.**
- Voting places.**
- Election officers.**
- Registration.**
- Count and canvass of votes.**
- SEC. 11. That at the first regular meeting of the board of commissioners of the county of Moore after the ratification of this act the said board of commissioners is hereby authorized, empowered and directed to submit to the qualified voters of McNeill's Township, after giving thirty days' notice of said election in some newspaper published in Moore County and at the courthouse door in Carthage, the question whether the said township shall issue coupon bonds in a sum not exceeding fifteen thousand dollars, as hereinafter prescribed, and whether a tax shall be levied on the taxable property in said township, as hereinafter prescribed, for the payment of said bonds, when the same shall become due, according to their tenor, and the interest that may accrue thereon, the proceeds arising from the sale of said bonds to be used in laying out, making, repairing grading and maintaining the public roads in said township: *Provided*, that if a majority of the qualified voters of said township shall not at said election vote to issue said bonds and for the levying of said tax, the said Board of Commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township, on the petition of one-fourth of the qualified voters resident in said township, and the election may be held at any time or times thereafter, under the provisions and regulations hereinafter prescribed upon such petition.
- SEC. 12. The election or elections ordered to be held under the question submitted to the qualified voters of said township under the preceding section shall be held at the regular voting places in said township which are or may hereafter be prescribed for holding elections for members of the General Assembly, and the said Board of Commissioners of Moore County shall have power and authority to appoint all registrars and judges of election and other officers necessary for the holding of said elections. No new registration of voters shall be required for said election, but the registrars appointed for said election shall so revise the registration books that they may show only the names of the duly qualified electors residing in said township and entitled to vote in said election, and shall register all duly qualified voters who may become entitled to vote in said election and whose names do not appear upon such registration books, under the rules and laws prescribed for the election of members of the General Assembly.
- At the close of said election or elections the registrar and judges of election shall count and canvass the vote cast at said election

and declare the result thereof, and shall report the result of such Returns, count and canvass in writing to the Board of Commissioners of Moore County at the next meeting held by said board after said election, and at the meeting of said board of commissioners held after said report has been made the said board of commissioners shall canvass said returns and declare the result of said election and record the same in the minutes of said board, and no other canvass of said election shall be necessary to determine the result thereof.

SEC. 13. That at said election or elections held under the provisions of this act, as aforesaid, all the qualified voters of said township who shall favor the issue of bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed shall vote a ballot on which shall be written or printed or partly written and partly printed "For Good Roads," and those who are opposed to the issue of said bonds and the levy of said special taxes as hereinafter prescribed shall vote a ballot on which shall be written or printed or partly written and partly printed the words "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

SEC. 14. In the event a majority of the qualified voters of said township shall, at said election or any election held as aforesaid under the provisions of this act, vote "For Good Roads," the result shall be declared, counted, canvassed and recorded as hereinbefore provided, and the Board of Road Commissioners of McNeill's Township are thereupon authorized and empowered to issue and sell coupon bonds for said McNeill's Township, payable to bearer, not to exceed in amount the sum of fifteen thousand (\$15,000) dollars or any amount less than fifteen thousand dollars, as the said Board of Road Commissioners of McNeill's Township may in their discretion determine upon, and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of said bonds at a rate not to exceed six per cent per annum, and payable semiannually on the first days of January and July in each year until said bonds are fully paid; that the said bonds shall be made payable at a time to be fixed by said Board of Road Commissioners of McNeill's Township and named therein, not to be more than thirty nor less than ten years after date, both bonds and coupons to be made payable at the office of the treasurer of said board: *Provided, however,* that the said Board of Road Commissioners of McNeill's Township may divide said bonds into classes as said board may determine, and have them mature at different convenient dates between the limits aforesaid. The said board of road commissioners of said township may in their discretion issue a part of said bonds and make sales of the same, under the provisions

Canvass of returns.

Ballots.

Law governing election.

Issue and sale of bonds.

Amount.

Denominations.

Interest.

Maturity.

Partial issues authorized.

	of this act, at different times and dates: <i>Provided</i> , that the whole issue shall not exceed the said sum of fifteen thousand dollars. It is further enacted that the said bonds and their coupons shall
Authentication.	be numbered consecutively, beginning with number one. The bonds shall be signed by the Chairman of the Board of Commissioners of Moore County and countersigned by the Chairman of the Board of Road Commissioners of McNeill's Township, and shall have affixed thereto the seal of the office of the Register of Deeds of Moore County, and the coupons attached to said bonds shall be signed by the Chairman of the Board of Commissioners of Moore County or shall have his lithographed signature thereon, and the said bonds shall be styled "McNeill's Township Road Bonds"; that a record shall be kept of said bonds by the board of road commissioners of said township, showing the numbers and denominations thereof, the date of issuing the same, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of paying the proceeds of the sale thereof to the treasurer of said township, and such other data in relation to the same as said board of road commissioners of said township may direct to be kept.
Style of bonds.	
Record of bonds.	
Sale and delivery of bonds.	SEC. 15. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and shall not be delivered to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said township, as herein provided; and said treasurer shall receive all such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties of his official bond shall be liable therefor, and shall disburse the same only as provided by this act, upon the order of the board of road commissioners of said township or the chairman thereof, duly authorized by said board, upon written order signed by said chairman. The money realized from the sale of said bonds or any portion thereof, as provided by this act, shall only be used for the purpose of establishing, laying out, improving, grading and maintaining the public roads of McNeill's Township: <i>Provided</i> , that the purchasers of said bonds shall not be held responsible for the application of said fund.
Liability of treasurer.	
Disbursements.	
Specific appropriation.	
Proviso: liability of purchaser.	
Cost of issuing bonds.	SEC. 16. That the cost of issuing said bonds shall be paid by the board of road commissioners of said township from the road tax collected in said township for road improvement.
Tax for interest and sinking fund.	SEC. 17. For the purpose of paying the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the Board of Commissioners of Moore County shall, annually, at the time of levying the county and other taxes required by law to be levied, levy a special tax on all persons and property subject to taxation within the limits of said McNeill's Township, not to exceed fifteen cents on each one hundred dollars
Tax rate.	

assessed valuation of real and personal property and forty-five cents on each taxable poll, and the tax so levied shall be collected by the Sheriff of Moore County in the same manner as other taxes in the county of Moore, and paid over by him to the Treasurer of the Board of Road Commissioners of McNeill's Township. The said taxes so levied shall be applied first to the payment of the interest on the bonds as the same shall become due, and the balance shall constitute a sinking fund for the payment of the principal of said bonds at maturity, which fund may be invested by the treasurer of the board of road commissioners of said township, under the direction of said board, the interest arising from said investment to constitute a part of the road fund of said township. The board of road commissioners of said township are authorized and empowered, at any time before said bonds may become due, to use any part of said sinking fund in the purchase of said bonds or any part thereof: *Provided*, that no greater price shall be paid for any of said bonds than the amount received therefor, with interest due on the same to the date of purchase added.

Collection and
payment of tax.

Application of
taxes.

Investments of
sinking fund.

Purchase of
bonds.

Proviso: purchase
price.

SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of McNeill's Township and shall be payable only by said township as provided in this act.

Obligation of
boards.

SEC. 19. That nothing in this act shall be construed to release the Board of Commissioners of Moore County from the duty of building and maintaining all bridges on the public roads of McNeill's Township, as provided by law.

Duty of county
commissioners as
to bridges.

SEC. 20. That in addition to the special taxes authorized to be levied by this act for the purpose of paying the interest on the bonds herein provided for, and the principal at maturity, the Board of Commissioners of Moore County, for the purpose of laying out, establishing, improving, repairing, grading and maintaining the public roads of McNeill's Township, shall, annually, at the time of levying county and other taxes, levy a special tax on all persons and property subject to taxation within the limits of McNeill's Township of ten cents on each one hundred dollars assessed valuation of real and personal property and thirty cents on each taxable poll, and the tax so levied shall be collected by the Sheriff of Moore County in the same manner as other taxes, and paid over by him to the treasurer of the board of road commissioners of said township, who shall disburse same for the purposes for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of McNeill's Township, at the election herein authorized to be held, shall fail to cast their votes for the issuance of the bonds herein described, then the Board of Commissioners of Moore County shall be authorized and directed, for the purpose named in this section, to levy annually at the time mentioned in this section a special

Special tax for
roads.

Rate.

Collection and
payment of tax.

Tax rate if bonds
not issued.

tax on all persons and property subject to taxation within the limits of said township of twenty-five cents on each one hundred dollars assessed valuation of real and personal property and seventy-five cents on each taxable poll, instead of the levies hereinbefore first authorized in this section.

Records of road orders.

Annual statements.

Statements to be recorded and posted.

Secretary to send copy of act.

SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of said board for the payment and disbursements of moneys under the provisions of this act, and shall, annually, within five days after the first Monday in January, make out a statement showing the name of every individual whose account has been audited and allowed under the provisions of this act, and the amount of the same for the previous year; the total amount of revenue received by the treasurer of said board and the sources from which it was received, by items, all disbursements on every account; all property and assets of said township, together with the permanent debt of the township, if any, when contracted, and the interest paid or remaining unpaid thereon. Said statement shall be recorded in the office of the Register of Deeds of Moore County, in the book of official reports, and shall be posted at three or more public places in said McNeill's Township.

SEC. 22. That the Secretary of State is hereby directed to send to the Register of Deeds of Moore County immediately after the ratification of this act a certified copy thereof.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 83.

AN ACT TO RETURN TO THE STATE'S PRISON FROM ITS EARNINGS FOR 1908 A SUFFICIENT AMOUNT FOR ITS OPERATION IN THE YEAR 1909.

The General Assembly of North Carolina do enact:

Amount to be returned.

SECTION 1. That the Treasurer of North Carolina be and he is hereby directed to return to the State's Prison of North Carolina the sum of sixty-eight thousand three hundred and fifty-six dollars and seventy cents of the earnings of said prison which were paid to him under the Acts of one thousand nine hundred and seven, the same to be used by the directors of said prison for the operation and maintenance of said institution during the year one thousand nine hundred and nine.

SEC. 2. That the State Treasurer shall place said amount to the credit of the said State's Prison, and the same shall be paid out in the manner provided in section five thousand three hundred and ninety-six of the Revisal of one thousand nine hundred and five. Amount to be credited to State's prison.

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

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 84.

AN ACT TO AMEND SECTION 2482 OF THE REVISAL OF 1905, RELATIVE TO FISHING IN CERTAIN STREAMS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and eighty-two of the Revisal of one thousand nine hundred and five, Volume One, be amended by adding after the word "county," in the fourth line of said section, the words "or on Wilson's Creek or its tributaries, in Caldwell County." Wilson's creek and its tributaries.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force from and after March first, one thousand nine hundred and nine. When act effective.

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 85.

AN ACT TO PROVIDE FOR COMPENSATION FOR HOLDING SPECIAL TERMS OF COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and twelve of the Revisal of one thousand nine hundred and five be amended as follows: Strike out all after the words "disposed of," in said section, and insert in lieu thereof the following: "The judge shall attend and hold such court and shall be paid as compensation therefor at the rate of one hundred dollars per week by the county in which the special term is held." Compensation of judge.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 86.

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

The General Assembly of North Carolina do enact:

Justices named. SECTION 1. That from and after the ratification of this act
Term. W. C. Jones, Clarence Parks and E. L. York, of Franklinville
Township, be and they are hereby appointed justices of the peace
for Randolph County for a term of six years.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 87.

AN ACT TO APPOINT CERTAIN JUSTICES OF THE PEACE FOR JACKSON TOWNSHIP, IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Justices named. SECTION 1. That J. A. Parker and Edwin Wright be and they
Term. are hereby appointed justices of the peace for Jackson Township,
Northampton County, for a term of six years, and that their
terms of office shall begin at the time of the ratification of this
act.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 88.

AN ACT TO APPOINT JUSTICES OF THE PEACE IN SEVERAL TOWNSHIPS IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Term. SECTION 1. That the following-named persons be and they are
hereby appointed justices of the peace in their respective town-
ships in Person County for a term of six years from and after
the ratification of this act, viz.: W. A. Winstead and W. J. Win-
stead in Roxboro Township, A. M. Long and A. V. Moore in Bushy
Fork Township, E. J. Robertson and J. E. Clayton in Woods-
dale Township.

Roxboro town-
ship.
Bushy Fork town-
ship.
Woodsdale town-
ship.

SEC. 2. That the justices of the peace appointed under this act shall have thirty days from and after the ratification of this act in which to qualify.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 89.

AN ACT TO RENDER SECURE FROM DAMAGES AND NOTABLY SECURE FROM DAMAGE BY FIRES SUCH WOODLANDS IN NORTH CAROLINA AS ARE SITUATED ABOVE THE CONTOUR LINE OF 2,000 FEET AND AS MAY BE DECLARED TO BE STATE FORESTS OF NORTH CAROLINA.

Whereas the forests at the headwaters of the streams of North Carolina, and notably those situated at an altitude above sea level exceeding two thousand feet, are of the utmost importance to the commonwealth of North Carolina, directly as well as indirectly; and whereas the large majority of the lands of North Carolina situated above two thousand feet elevation are too steep and climatically too humid and too cold for successful agriculture; and whereas the main product of the said lands situated above contour line two thousand feet consists and must consist for all time hereafter in wood and timber; and whereas the reproduction of wood and timber in the regions named is handicapped only and solely by the prevalence of forests fires, preventing nature from reproducing the forests in the same manner in which they were reproduced by nature before the advent of the white man: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Governor of the State, upon the written application of any owner or owners of wooded lands situated in North Carolina above contour line two thousand feet, may at his discretion declare the lands of such owner or owners, or such parts thereof as he may deem advisable, a "State forest of North Carolina."

SEC. 2. The declaration of the Governor shall be published, at the expense of the applicant, in three consecutive issues of any newspaper published in the county or counties wherein the lands declared a State forest reserve are situated, if there be one; if no paper is published in the county or counties, then in a paper published in an adjoining county; and after such publication the said lands shall be and are a State forest of North Carolina for the term of thirty years.

Agreement by owners.

SEC. 3. The owner or owners, when making such written application, shall agree in writing to treat in a conservative manner the proposed State forest described in the application, such manner to be in accordance with a working plan approved by the North Carolina Geological and Economic Survey; and the said owner or owners of such proposed State forest, when making such application, shall agree to pay annually into the school fund of the county wherein such proposed State forest or a part thereof is situated one-half cent for every acre of such proposed State forest situated within the county; and if the owner or owners thereafter shall fail to make such annual payment, then and in that case the declaration of the Governor establishing the said State forest shall be null and void to all intents and purposes.

Declaration nullified by failure to pay assessments.

Appointment of State forest wardens.

SEC. 4. The Governor shall appoint at his discretion, with the approval of the commissioners of the county wherein a State forest is situated, as State forest wardens such a man or men over twenty-one years of age as may be designated for appointment by the owner or owners of such State forest. Such State forest wardens are to receive no compensation other than that which the owner or owners of the State forest may pay to them.

Powers of State forest wardens.

SEC. 5. The State forest wardens thus appointed may make arrest on sight, without warrant, for any criminal offense set out in sections three thousand three hundred and forty-six, three thousand three hundred and forty-seven, three thousand four hundred and eighty, three thousand four hundred and eighty-one, three thousand six hundred and seventy-seven, three thousand six hundred and eighty-seven and three thousand six hundred and eighty-eight of the Revisal of one thousand nine hundred and five, or other crime relating to real estate committed within the said State forest, and they shall safeguard against trespass, and notably against fire, the State forest for which they have been appointed; and, as far as the enforcement of the provisions of this act is concerned, the State forest warden shall have all the powers, privileges and protection otherwise had by sheriffs under any act or law now in force.

Minimum fines.

SEC. 6. The minimum fine for any offense mentioned in the preceding section committed within any State forest shall be fifty dollars if within the jurisdiction of the Superior Court, and twenty-five dollars if within the jurisdiction of a justice of the peace.

SEC. 7. Any law or statute of North Carolina conflicting with this act, or as much thereof as may be conflicting with this act, is hereby repealed.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 90.

AN ACT TO AMEND SECTION 8. CHAPTER 87 OF THE REVISAL OF 1905, AND TO ABOLISH THE CROP PEST COMMISSION, AS NOW CONSTITUTED, AND TRANSFER ITS POWERS AND DUTIES TO THE BOARD OF AGRICULTURE.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter eighty-seven of the Revisal of one thousand nine hundred and five be amended as follows: Subsection three thousand nine hundred and seventy-nine shall read, "The Board of Agriculture shall be the crop pest commission." Subsections three thousand nine hundred and eighty, three thousand nine hundred and eighty-one and three thousand nine hundred and eighty-two be amended by striking out "commission" wherever it occurs and inserting "Board of Agriculture," and subsection three thousand nine hundred and eighty-one be further amended by adding at the end thereof the following: "Any violation of any such regulation shall be a misdemeanor, and the person violating shall upon conviction be fined or imprisoned in the discretion of the court."

Board of agriculture made crop pest commission.
Duties and powers transferred.

Violation of regulations a misdemeanor.
Punishment.

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

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 91.

AN ACT TO ALLOW THE REGISTER OF DEEDS OF DURHAM COUNTY TO APPOINT A DEPUTY, AND TO VALIDATE ALL ACTS OF PERSONS HERETOFORE ACTING IN THE CAPACITY OF DEPUTY REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Register of Deeds of Durham County may appoint a deputy, who shall take and subscribe the oath prescribed for the register of deeds and who may perform the duties of register of deeds and have the same powers to do and act officially as conferred by law on the register of deeds, and be subject to all laws and penalties that apply to the register of deeds.

Register may appoint deputy.
Duties and powers of deputy.

SEC. 2. That said register of deeds of said county shall make a record of the appointment of his deputy, giving the name of such appointee and the date of such appointment, and shall furnish to the Clerk of the Superior Court of Durham County a transcript

Record of appointment.

Record of resignation or removal.

of such record, and said clerk of the Superior Court shall make a record of the same and make a cross index thereof on the general index in his office. Whenever such deputy register of deeds shall resign or be removed from his office the register of deeds by whom he was appointed shall write on the margin of the record of such appointment in the office of the clerk of the Superior Court the word "Revoked" and the date of such revocation, and sign his name thereto. A duly certified copy of such appointment and such revocation, under the hand and official seal of the register of deeds of said county, shall be deemed *prima facie* evidence of the regularity of such appointment and revocation, and shall be admitted as evidence in all the courts.

Register responsible for acts of deputy.
Former acts validated.

SEC. 3. That the register of deeds of said county shall be held responsible for the acts of his deputy.

Existing suits not affected.

SEC. 4. That the acts of all persons heretofore acting in the capacity of deputy register of deeds of said county are hereby declared valid and legal, to all intents and purposes, as if made and done by the register of deeds; that this act shall not apply to suits now pending.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 92.

AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO FUND ITS FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. That in order to pay off the floating indebtedness of the county of Buncombe incurred for necessary expenses of said county prior to the first Monday in December, A. D. one thousand nine hundred and eight, the board of commissioners of said county are hereby authorized and empowered to issue and sell funding bonds of said county to an amount not exceeding the sum of one hundred and twenty-five thousand dollars, said bonds to draw interest at a rate not exceeding five per centum per annum, payable semiannually, and to mature not more than thirty years from their date.

Issue and sale of bonds authorized.

Amount.

Interest.

Maturity.

Denominations.

SEC. 2. That said bonds shall be in such denominations and shall be payable at such place or places as the said board may determine.

Advertisement and sale of bonds.

SEC. 3. That said bonds shall be sold at the best price offered, after advertisement for four weeks in a newspaper published in the city of Asheville, and also after advertisement in some finan-

cial paper published in the city of New York. They shall not be sold for less than par and accrued interest. They shall be sold by the board of county commissioners without any cost to the county except the actual necessary expense in effecting the sale.

SEC. 4. That the board of commissioners of said county of Buncombe shall, at the time other taxes are levied, levy annually a special tax upon all the property of said county of sufficient amount to pay the interest on said bonds as it becomes due and the principal at maturity.

Special tax for interest and principal.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 93.

AN ACT TO AMEND SECTION 3093 OF THE REVISAL OF 1905, CONCERNING YEAR'S SUPPORT OF WIDOWS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand and ninety-three (3093) of the Revisal of one thousand nine hundred and five be amended by inserting in line two, between the comma after the word "widow" and the word "every," the following words: "any child with which she may be pregnant at the death of her husband."

Provision for child in utero.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 94.

AN ACT TO AMEND SECTION 1661 OF THE REVISAL OF 1905, RELATIVE TO REGULATING FENCES IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-five of the Revisal of one thousand nine hundred and five, section one thousand six hundred and sixty-one, be amended by adding thereto the following: "Provided further, that a wire fence four feet high shall be a lawful fence in Tyrrell County."

Proviso: lawful fence.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 95.

AN ACT TO ABOLISH THE OFFICE OF COUNTY TREASURER
OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Office abolished.
Sheriff to act ex-
officio.

SECTION 1. That the office of county treasurer in the county of Swain be and the same is hereby abolished, and the Sheriff of Swain County shall act *ex officio* as county treasurer in said county, without any compensation for his services as such.

When act effective.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 96.

AN ACT FOR THE BETTER DRAINAGE OF LOWER CREEK,
IN THE COUNTIES OF BURKE AND CALDWELL.

Preamble.

Whereas Lower Creek, from a point near the corporate limits of the town of Lenoir, in Caldwell County, to or near its mouth at the Catawba River, in Burke County, has been filled up with decaying timber, mud, debris and other substances so near to the top of its banks in many places as to cause it to overflow whenever the usual heavy rains occur many acres of bottom land lying on both sides of said stream and render a large portion of the adjacent farms either totally uncultivable or much less productive than it was before said creek was filled up or would now be if said stream was deepened, straightened and cleared out; and whereas there is reason to believe that the overflowing of said stream is creating dangerous malaria and the bed of said stream is being filled up every year at the rate of two to eight inches, and that the overflow from natural causes and the consequent malaria engendered thereby are becoming greater every year: therefore,

The General Assembly of North Carolina do enact:

Corporations.

SECTION 1. That L. H. Tuttle, L. E. Rabb, T. B. Lenoir, C. E. Corpening, W. L. Hartley, T. N. Hallyburton, J. Vance Powell, J. M. Harris, M. H. Kent, E. C. Leonard, Amos G. Burns and S. S. Hallyburton are hereby constituted a body politic, a *quasi* municipal corporation, under the name and style of "Lower Creek Drain-

Corporate name.

Rights and powers

age Commissioners," with general rights and powers incident to the creation of such corporations, such powers as may be herein-after conferred, especially the power and duty of supervising the

drainage of said Lower Creek, between the old Sudderth mill site, in the county of Burke, to a point in or on said channel of Lower Creek opposite Hibriten Academy, in the county of Caldwell.

SEC. 2. That said commissioners shall meet for the purpose of Meeting for organization at a time and place on or about April the second, one thousand nine hundred and nine, to be designated by the said L. H. Tuttle, and, upon notice of ten days to be given by him to Notice of meeting. each of said other commissioners, shall elect one of their members Organization. chairman and another secretary; and in case any one of said commissioners shall refuse to act, or in case any of said commissioners decline upon said notice to meet and act, then any vacancy Vacancies. caused in any way or from any other cause shall be filled by the other commissioners by choosing some owner of land lying on said creek between the said mill site and the said point in Caldwell County.

SEC. 3. That said commissioners shall cause an accurate estimate of the number of acres of bottom land lying along said stream and its tributaries emptying into it between said mill site and said point opposite said Hibriten Academy, and which are rendered less productive by the overflow of said Lower Creek and its tributaries, and shall have the power to appoint three disinterested freeholders, whose compensation shall be fixed and paid by the order of said commissioners, one of whom shall be a resident of Burke County and one of Caldwell County and the third a freeholder who shall be a surveyor, and said three freeholders shall proceed to ascertain and report the number of acres of said bottom land belonging to each landowner and lying on said Lower Creek and its tributaries, the productive capacity of which they shall have determined is diminished by the said overflow of said Lower Creek and consequent flooding by it and its said tributaries; but before entering upon their duties the said three freeholders shall take an oath, before the chairman of said commissioners or before any other person qualified by law to administer an oath, that he will discharge the duties devolving upon him and will report the result of his examination and investigation, without favor to any one. And the said chairman of said commissioners and a secretary shall be chosen by them of their number, and any vacancy that may be caused by death or resignation of said chairman or secretary shall be filled by said commissioners by selecting from their own number, and any vacancy caused by the death or resignation of any commissioner shall be filled by the other commissioners.

Estimates to be made.

Freeholders to be appointed to ascertain and report lands affected.

Freeholders to qualify.

Chairman and secretary of commissioners.

Vacancies.

SEC. 4. That the said commissioners shall have the power and it shall be their duty, during the month of April, one thousand nine hundred and nine, and on the first Monday in April of every year thereafter until such time as said creek shall be thoroughly

Commissioners to make assessments.

Matters to be considered in making assessments.	drained. in the opinion of the commissioners, and until all sums borrowed for the drainage of said streams shall be fully paid and discharged, principal and interest, to levy an assessment of not less than twenty-five cents nor more than one dollar per acre on every acre of land within the boundary above designated along said creek and its tributaries which said freeholders shall report to be rendered less productive, as above provided. In assessing said lands for taxation said commissioners as aforesaid shall consider the benefits derived from said drainage to each landowner along said stream, and value his property according to said benefits, and it shall be the duty of the commissioners to select one of their own number or some other suitable person as collector of such assessments, requiring such collector to give bond in an amount to be fixed by said commissioners, conditioned for the faithful discharge of his duties and faithfully accounting for all moneys collected by him, and the said commissioners shall allow such collector reasonable fees, to be paid out of the money collected by him, and the said assessment so levied shall constitute a lien upon the land so assessed only which shall be the land designated by said freeholders in their report as injured or rendered less productive as aforesaid; and the said collector shall be empowered to bring an action in the name of the corporation to enforce said lien by subjecting the land intended to be benefited by rendering it more productive, either in the Superior Court or before a justice of the peace, and the court having jurisdiction of the amount due shall have power, upon summons served upon any of said landowners, as prescribed in cases where actions are brought to enforce money demands where said landowners shall fail to pay such assessment on or before the first of December of the year in which such assessment shall have been levied; and the court, on trial, shall have power to adjudge that such assessment shall constitute a lien on the land assessed, and that the sheriff of the county shall sell the said land assessed to satisfy such assessment upon it and the cost of the action so brought to enforce it: <i>Provided, however,</i> that either the plaintiff or the defendant in such action shall have the right to appeal, as provided by law in other cases, upon giving bond in the sum of a hundred dollars.
Collector of assessments.	
Fees of collector.	
Lien of assessment.	
Enforcement of lien.	
Proviso: right of appeal.	
Application of funds.	SEC. 5. That the money so assessed and collected shall be used by said commissioners in draining said Lower Creek, and the said president and secretary shall, on the first Monday in April of each year, file with the register of deeds of Burke and Caldwell counties an itemized statement of receipts and disbursements of the money so assessed and collected, and if they shall fail to file such report at said time they shall be guilty of a misdemeanor.
Statement of receipts and disbursements.	
Failure to file report a misdemeanor.	SEC. 6. That the said commissioners are hereby empowered and it shall be their duty to enter into said creek, between the points
Entry upon lands for drainage.	

mentioned, and on the land lying along the same, for the purposes of draining said land, and they shall have power to employ engineers, cut canals, dig ditches, blast out shoals, clear away all obstructions from the channel, and to employ foremen, hire hands and teams, purchase tools and to do such other things as may be necessary for the drainage of said Lower Creek and for the improvement of said lands: and the said commissioners shall have power to have the timber along the banks of the creek cleared, at the cost of the landowner, to be collected as an addition to his assessment, unless the landowner shall clear said banks himself within thirty days after notice to do so, under the supervision of the said corporation.

Sec. 7. That said commissioners, in order to expedite work and to secure contractors on better terms, are hereby authorized and empowered to borrow money at a rate not to exceed six per cent per annum, and proceed with the drainage of said stream while said assessments are being collected: *Provided*, that said commissioners shall not borrow for purposes as stated above a greater sum than ten thousand dollars, and shall have power to pledge the sums collected by said assessments as they come into the hands of said commissioners for the payment of money so borrowed: and the said assessments shall be levied as aforesaid each year until the sums of money so borrowed shall have been paid, principal and interest.

Sec. 8. That said commissioners shall receive no compensation for their services in the performance of the duties prescribed in this act, except a reasonable allowance for the time actually employed in superintending and directing the actual work of the drainage of said Lower Creek.

Sec. 9. It shall be a misdemeanor to fell any timber or place any obstruction on said Lower Creek or its tributaries within the limits above set forth which shall impede or obstruct the natural flow of water in said stream.

Sec. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in force from and after its ratification. Ratified this the 8th day of February, A. D. 1909.

CHAPTER 97.

AN ACT TO ENTITLE THE SALE OF TEST FARMS BY THE BOARD OF AGRICULTURE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Agriculture is hereby authorized and empowered to sell at the discretion of said board any land or lands which may be conveyed to the State or the Department

Deed for title. of Agriculture for the purpose of conducting "test farms"; and that a deed, signed by the Commissioner of Agriculture and attested by the Secretary of the Board of Agriculture in the name of the State and the Board of Agriculture, shall be sufficient to convey title to the purchaser or purchasers.

Disposal of proceeds. SEC. 2. That the proceeds of sale, in case of such conveyance or conveyances, shall be invested by the Board of Agriculture in other land or lands to be used for conducting "test farms," except so much of said money as may be necessary to reimburse anyone who has contributed to the purchase money. This amount shall be returned to the contributor or contributors.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 98.

AN ACT AUTHORIZING THE COMMISSIONERS OF ASHE COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING BRIDGES IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the Board of Commissioners of Ashe County are hereby empowered to levy a special tax at their regular meeting in June, one thousand nine hundred and nine, not to exceed twenty-five cents on the one hundred dollars valuation of property, for the purpose of paying for the erection of bridges in said county as hereinafter provided.

Rate.

Purpose.

Location of bridges.

SEC. 2. That the Board of Commissioners of Ashe County shall be and are hereby empowered to have erected across the North Fork of New River good, substantial wooden bridges at or near the following points, to-wit: one near the mouth of Phoenix Creek, so as to connect with the road that leads from Jefferson, N. C., to Hilton, N. C., by the way of the mouth of Phoenix Creek; one near the Wilcox place, so as to connect with the road leading from W. H. Jones' store to Horse Creek by the way of James Rowland's; one near the mouth of Buffalo Creek, so as to connect with the road leading from W. H. Jones' store to W. H. Perkins' by the way of the mouth of Buffalo Creek; and said commissioners shall be and are hereby empowered to cause to be constructed a good, substantial wooden bridge across the South Fork of New River, near the mouth of Obid's Creek, so as to connect with the roads leading from D. W. Adams' place to Beaver Creek by the way of the mouth of Obid's Creek, and also the road leading from Obid's Creek to Jefferson, N. C., by the way of the mouth of

Obid's Creek; and said commissioners are empowered to also cause to be covered and repaired the bridge across the South Fork of New River, on the Jefferson and Wilkesboro Turnpike Road; conditioned, however, if said turnpike company grant the citizens of Ashe County free passage over the same. Said privilege of free use of said bridge shall be in writing and signed by the president and secretary of the turnpike company and placed upon the record of the book of the secretary of the turnpike company and also recorded by the Register of Deeds of Ashe County upon the minutes of the proceedings of the county commissioners of Ashe County.

SEC. 3. That the contracts for the construction and repairing of said bridges may be let by the commissioners to the lowest responsible bidders on or before the first Monday in June, one thousand nine hundred and nine, after advertising for said bids for at least twenty days in *The Jefferson Recorder*, a newspaper published in Jefferson, North Carolina, and posting notice at the courthouse door and at one public place in each township in Ashe County. Said commissioners shall have the power of rejecting any or all bids and let said contracts upon such terms as they may deem just and proper; but, however, the commissioners shall require the several parties with whom they contract for the building of said bridges to enter into a good and sufficient bond in double the sum of the contract price for the faithful performance of said contract.

Bridges let to contract.

Advertisement for bids.

Power to reject bids.

Contractors to give bond.

SEC. 4. That the following parties be and are hereby appointed to locate said bridges at or near the points as above set out: At or near the mouth of Phoenix Creek, A. R. Vail, J. J. Thomas and R. L. Reeves; at or near the mouth of Buffalo Creek, W. H. Jones, A. S. Eller and Ace Jones; at or near the Wilcox place, W. P. Turner, F. M. Miller and Joseph Baker; at or near the mouth of Obid's Creek, John Bare, John A. Miller and Nathan Sheets.

Commissioners to locate bridges.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 99.

AN ACT TO RE-ESTABLISH THE OFFICE OF TREASURER OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and ten, there shall be a treasurer for the county of Duplin.

Date of re-establishment.

- Election of treasurer. 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 of Duplin County shall be the same as is now allowed by the existing law, and the said treasurer shall receive the same fees as are now paid treasurers under the existing law.
- Application of general laws. SEC. 4. That in all other respects the general laws relative to county treasurers in North Carolina shall apply to the Treasurer of Duplin County.
- Sheriff to turn over moneys. SEC. 5. That upon the election of said treasurer in said county, and his giving bond in double the amount of money which he may receive by virtue of his office of treasurer, said bond to be approved by the Board of Commissioners of Duplin County, and taking the oath of office, the Sheriff of Duplin County shall turn over to the said treasurer such moneys as the said treasurer may be entitled to by virtue of his office, and take his receipt therefor.
- SEC. 6. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 100.

AN ACT FOR THE RELIEF OF EX-SHERIFF AND EX-TAX COLLECTOR OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

- Collection of arrears authorized. SECTION 1. That all ex-sheriffs and ex-tax collectors who, by virtue of their office, have had tax lists for the purpose of collection of taxes of their respective counties, towns or townships in their hands for the years of one thousand nine hundred and five and one thousand nine hundred and six and one thousand nine hundred and seven and one thousand nine hundred and eight, 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.
- Years. SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who holds a receipt in full for the years named in section one of this act, or who will make affidavit before some officer authorized by law to administer oaths
- Persons not compelled to pay.

that the tax attempted to be collected has been paid; nor shall any administrator, executor or guardian be compelled to pay any tax under the provisions of this act after he shall have made a full settlement.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs or tax collectors, their representatives or bondsmen from the liability imposed by law to pay the State, county and other taxes at the place and time required by law. Liability for non-settlement.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first day of May, in the year of our Lord one thousand nine hundred and ten. Authority to cease.

SEC. 5. That this act shall only apply to the county of Lincoln. Application of act.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 101.

AN ACT RELATING TO THE PAY OF COMMISSIONERS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each commissioner of Richmond County shall receive for his services and expenses in attending the meetings of the board the sum of three dollars per day and mileage, not to exceed five cents per mile. Per diem. Mileage.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 102.

AN ACT TO AMEND SECTION 5, CHAPTER 877 OF THE PUBLIC LAWS OF 1907, RELATING TO THROWING SAWDUST IN BIG IVY CREEK, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter eight hundred and seventy-seven of the Public Laws of one thousand nine hundred and seven be amended by adding thereto the following: "Provided, that this act shall not apply to the sawmill of A. I. Ingle, near Barnardsville, in said county, as long as the said mill shall be operated at its present location and capacity. Mill excepted.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 103.

AN ACT TO AMEND SECTION 2798 OF THE REVISAL OF 1905
OF NORTH CAROLINA, RELATIVE TO THE PAY OF
JURORS IN GREENE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That lines nine and ten of section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out all of said lines and substituting the following therefor: "In Greene County all regular jurors shall receive two dollars per day and mileage and all tales jurors shall receive two dollars per day, without mileage."

Regular jurors.
Talesmen.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 104.

AN ACT TO ESTABLISH IN THE CITY OF REIDSVILLE
A SPECIAL COURT, TO BE CALLED THE "RECORDER'S
COURT," AND PRESCRIBE THE JURISDICTION THEREOF.*The General Assembly of North Carolina do enact:*

Court established. SECTION 1. A special court for the trial of petty misdemeanors,
Title. and to be designated as the "Recorder's Court of the Town of Reidsville," is hereby established.

Court of record. SEC. 2. Said court shall be a court of record and shall be
Recorder. presided over by a recorder, who shall be an elector of the town of Reidsville.

Election of re- SEC. 3. Said recorder shall, at the expiration of the term of the
corder. recorder elected by the board of commissioners to preside over said court, as hereinafter provided, until the first Tuesday in June, one thousand nine hundred and nine, be elected by the people at the general town election to be held on the first Tuesday in May, one thousand nine hundred and nine. The commissioners of said town shall provide a separate box in which to vote for said recorder, and said election shall be held and result declared in the same manner as is now provided for the election of the mayor of said town. Said recorder so elected shall qualify as such recorder on the first Tuesday in June, one thousand nine hundred and nine, and shall hold office for a term of two years. Said recorder shall be elected every two years at the general election of said town, and shall qualify as such recorder on the first

Ballot box.

Declaration of
result.

Recorder to
qualify.

Term of office.

Tuesday in June every two years thereafter. He shall take and prescribe the oath required by the judges of the Superior Court, and shall receive a salary of forty dollars (\$40) per month, to Salary. be paid by the town of Reidsville, but the board of commissioners may increase the same to as much as sixty dollars (\$60) per month, should the amount of business and the usefulness of the court justify such an increase.

SEC. 4. The court shall hold daily sessions, Sundays and legal Sessions of court. holidays excepted, at the town hall of the town of Reidsville or other places designated by a resolution of the board of commissioners, the first session to be held on the first day after the First session. qualification of said recorder, as hereinafter provided.

SEC. 5. Said court shall have final, original, exclusive jurisdiction. Jurisdiction. tion of all misdemeanors occurring or committed within the corporate limits of the town of Reidsville, as follows, to-wit: of all offenses which are a violation of any ordinance of the town of Reidsville, and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace. That in addition Crimes declared petty misdemeanors. to the offenses above mentioned, the following crimes, to-wit: carrying concealed weapons; gaming; gambling; keeping bawdy houses; larceny, or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against the public health, as contained in the Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; and all crimes which under the common law are misdemeanors wherein the punishment is in the discretion of the court, are hereby declared by this act to be petty misdemeanors, and final. Jurisdiction. exclusive, original jurisdiction thereof is hereby given to the recorder's court of the town of Reidsville.

SEC. 6. That in addition to the jurisdiction given in section five Jurisdiction as court of commitment. of this act, said court is hereby given exclusive, original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the town of Reidsville wherein the preliminary investigation thereof is now conferred on justices of the peace or the Mayor of Reidsville, and

- Costs to be paid to town. said cost of the arrest and such commitment as herein provided shall be paid to the town of Reidsville by the county commissioners of Rockingham County, upon the bill being verified and filed with said commissioners by the clerk of the said recorder's court, as hereinafter provided.
- Warrants. SEC. 7. Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Rockingham County, and upon such appeal the trial in the Superior Court shall be *de novo*.
- Right of appeal. SEC. 8. In all cases heard by the recorder of the court established by this act, as committing magistrate, against any person or persons whereof the said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance with sufficient surety to appear at the next succeeding term of the Superior Court of Rockingham County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Rockingham County to await trial as aforesaid.
- Bond and recognizance. SEC. 9. All persons convicted in said court of any of the offenses mentioned in any section of this act shall be fined or imprisoned according to law, and any person convicted of any offense shall pay the cost of prosecution.
- Persons convicted. SEC. 10. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is fine or imprisonment and costs, the recorder shall sentence the defendant to the county jail of Rockingham County, to be worked upon the public roads of said county until sentence has been complied with.
- Costs. SEC. 11. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of the said court shall be the same as are prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the Superior Court for the trial of criminal cases, and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure the defendant's appearance, and in default thereof the said recorder shall commit such defendant to the common jail of Rockingham County until such defendant shall give bond or be otherwise discharged according to law.
- Convicts sentenced to road work. SEC. 12. The said court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by law or this act, or by any ordinance of the town of Reidsville for any act done within the said town of Reidsville, and said penalty shall be recovered in the name of the town of Reidsville; and in all
- Proceedings.
- Right of appeal.
- Defendant appealing bound over.
- Jurisdiction for recovery of penalties.

cases where judgment shall be entered against any person for fines or penalties, and the person against whom the same is adjudged fails or refuses to pay such judgment, it shall be lawful for the recorder of said court to order and require said person to be worked on the public roads of Rockingham County until, at a fair rate of wages, such person shall have worked out the full amount of said judgment and cost.

Road work for
fines or pen-
alties.

SEC. 13. Said court shall have a seal, with the impression "The Recorder's Court of the Town of Reidsville," which seal shall be used in attestation of writs, warrants or other proceedings, acts, judgments or decrees of said court in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Seal of court.

SEC. 14. The recorder may issue his process to the chief of police or to the town police of the town of Reidsville, or to the sheriff or constable, or to other officers of the county of Rockingham, and such process, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to the law.

Process of re-
corder.

SEC. 15. Should the recorder be prevented from attending to his duties on account of sickness or other temporary disability, or by absence from the town of Reidsville, then and in that case the board of commissioners of the town of Reidsville shall elect a substitute recorder, who shall have all the jurisdiction, power and authority herein conferred upon the duly elected recorder of the said town of Reidsville.

Substitute re-
corder.

SEC. 16. The recorder shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to clerks of the Superior Court, and all such costs recovered and collected in said court shall belong to the town of Reidsville to reimburse said town of Reidsville for salaries paid by it to said recorder and said clerk, and should costs not be sufficient to pay the said salaries over and above the costs paid to the officer who executed papers for fees attached to such services, then said deficiency shall be paid out of penalties collected for violation of town ordinances, and all fines and forfeitures collected by said court shall be paid to the treasurer of said county, as provided now by law, and the clerk of said court shall file with the County Board of Education of Rockingham County an itemized account of said fines and forfeitures; and the said board of education shall appropriate to the Reidsville graded schools, in addition to the per capita appropriation as provided in the general school law, an amount each year equal to the amount of such fines and forfeitures collected by said court and paid to such treasurer; and all fees allowed by law for an arrest or services or other process in a

Costs to use of
town.

Fines and for-
feitures.

Appropriation to
Reidsville graded
schools.

Fees paid over to
town treasurer.

criminal action, when the same shall have been made by the sheriff, chief of police or other officer who is on a salary, shall be paid over to the treasurer of the town of Reidsville for the use of said town and to reimburse it for expenses of supporting said court.

Election of clerk. SEC. 17. The board of commissioners of said town shall elect a clerk for said court, who shall be *ex officio* a justice of the peace, with power to issue process returnable before said court, and shall be paid a salary of not more than twenty-five dollars per month, to be paid by the town of Reidsville. Before entering upon the duties of his said office as such clerk, he shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting of all moneys which may come into his hands as such clerk.

Clerk to keep records. SEC. 18. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial and punishment imposed, which said record shall at all times be open and subject to inspection by the board of commissioners or other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep the record of all cases which shall be disposed of in said court and what disposition has been made of them. The record books, dockets and files herein provided for shall be paid for by the board of commissioners of the town of Reidsville.

Trial by jury. SEC. 19. That in case any defendant arraigned for trial before said court shall demand a trial by jury as allowed by law, the said court shall cause to be drawn from the jury box to be provided by the said board of commissioners of the town of Reidsville a jury to try said cause. Said defendant shall be required to pay the fees allowed by law for jurors in cases before justices of the peace before the said jury is drawn; and it shall be the duty of the said board of commissioners of the town of Reidsville to provide a jury box for this purpose, containing the names of all persons eligible to jury service living within the corporate limits of the town of Reidsville; and in such cases above mentioned the jury shall be drawn as is prescribed in cases before justices of the peace.

County to pay costs. SEC. 20. When any defendant tried and convicted before said court shall be sentenced to the public roads of Rockingham County, the said board of commissioners of the county shall pay the town of Reidsville, upon account being filed and verified by the clerk

of said court, the proper cost of such action to reimburse the town of Reidsville for its expense in maintaining said court.

SEC. 21. All cases which have heretofore been hearable by the Mayor of Reidsville, shall, after this act goes into effect, be tried by the recorder appointed in this act, but no cases which are pending in the Superior Court of Rockingham County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court. Cases transferred to recorder's court.

SEC. 22. Immediately upon the ratification of this act the board of commissioners of the town of Reidsville shall meet and elect a recorder to preside over said court and a clerk for said court as provided in this act, both recorder and said clerk to hold their office until the first Tuesday in June, one thousand nine hundred and nine. Election of recorder and clerk.

SEC. 23. The person, if he be an attorney, appointed recorder by this act, and his successors in office, shall not be debarred by reason of holding said office from practicing law in the courts of North Carolina. Recorder may practice law.

SEC. 24. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 105.

AN ACT FIXING THE LIABILITY OF A BANK TO ITS DEPOSITOR FOR PAYMENT OF FORGED OR RAISED CHECKS.

The General Assembly of North Carolina do enact:

SECTION 1. That no bank, banking institution or trust company doing business in this State shall be liable to a depositor for the payment by it of a forged or raised check or order to pay money, unless within six months after the return to the depositor of the voucher of such payment said depositor shall notify the bank that the check so paid is forged or raised. Bank not liable unless notified.

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 106.

AN ACT TO AMEND SECTION 3072 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Office of standard
keeper abolished.

SECTION 1. That section three thousand and seventy-two of the Revisal of one thousand nine hundred and five be amended by inserting in the last line of said section, and after the word "Yancey," "Ashe County."

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 107.

AN ACT TO AMEND SECTION 1283 OF THE REVISAL OF 1905, RELATING TO THE FEES OF JUSTICES OF THE PEACE WHEN NOT A TRUE BILL IS FOUND, IN BRUNSWICK AND CATAWBA COUNTIES.

The General Assembly of North Carolina do enact:

Costs not allowed
justices.

SECTION 1. That section one thousand two hundred and eighty-three of the Revisal of one thousand nine hundred and five be amended by adding after the words "justices of the peace," in line twenty-three, the words "when not a true bill is found."

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 108.

AN ACT TO REGULATE FISHING IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to take
fish except with
hook and line.

SECTION 1. That it shall be unlawful for any person to take from any river or other water course in the county of Watauga any fish of any kind whatever, by means of trap, seine, net or any device whatever except hook and line.

Open season for
brook or rain-
bow trout.

SEC. 2. That it shall be unlawful to catch any brook or rainbow trout in any of the streams of Watauga County except during the months of May, June and July, and these months shall constitute the open season.

SEC. 3. That any person violating any of the provisions of this Misdemeanor. act shall be guilty of a misdemeanor, and upon conviction shall Punishment. be fined not less than ten dollars nor more than fifty dollars and be imprisoned not exceeding thirty days, in the discretion of the court.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 109.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding a new clause, as follows: "The regular jurors for Gaston County and such veniremen as shall be taken in the trial of capital cases shall be paid the sum of two dollars per day and mileage, as now provided by law; and talesmen shall receive one dollar and fifty cents per day, but no mileage, except when ordered to return another day." Regular jurors
and special venire-
men.

Talesmen.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 110.

AN ACT TO AMEND SECTION 2716, REVISAL OF 1905, RELATIVE TO THE OATH OF ROAD OVERSEERS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and sixteen of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting in line eight in said section, after the word "Provided" and before the word "the" in said line, the following: "In all cases the report provided for in this section must state either that the overseer has worked the hands allotted to his section of road the full limit of time allowed by law or that his section of road of which he is overseer is not in Statements to be
made in report.

need of any further work at the time such oath is made and subscribed to by the overseer."

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 111.

AN ACT TO PREVENT PUBLIC DRUNKENNESS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Public drunken-
ness, boisterous
and disorderly
conduct for-
bidden.
Punishment.

SECTION 1. That any person who shall be guilty of public drunkenness, boisterous and disorderly conduct on any public highway or in any public place outside of an incorporated town shall, upon conviction therefor, be fined not more than fifty dollars or imprisoned not more than thirty days, at the discretion of the court.

Application of act.

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 112.

AN ACT TO SECURE THE FREE PASSAGE OF FISH IN HIAWASSEE RIVER, IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Free passage in
Mission Dam.

SECTION 1. That the Board of Commissioners of Clay County are empowered, authorized and directed to establish and maintain a way for the free passage of fish in what is known as the Mission Dam, in Hiawassee River, in said county.

Time for opening.

SEC. 2. That the time for opening up said dam shall be determined by said commissioners of said county.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 113.

AN ACT TO AMEND CHAPTER 25, SECTION 1389, OF THE REVISAL OF 1905, IN REGARD TO FINANCE COMMITTEE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-five, section one thousand three hundred and eighty-nine of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "may," in line one of said section, and inserting therefor the word "shall," and by inserting in line two of said section, after the word "citizen," as follows: "Two members of said finance committee to be chosen from same political party as the board of county commissioners, and one member to be chosen from some other political party." Election of finance committee.
Political affiliation.

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 114.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROBESON COUNTY TO ISSUE BONDS TO PAY THE OUTSTANDING DEBT OF THE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the outstanding and floating debt of the county of Robeson, which outstanding and floating debt was caused by the building, equipping and furnishing a courthouse and jail for said county, all of which was a public necessity, the board of commissioners of said county of Robeson is hereby authorized and empowered to issue bonds of said county to an amount not to exceed twenty-five thousand dollars and to be in denominations of not less than one hundred nor more than five hundred dollars; and the said bonds shall be payable to bearer not less than ten nor more than thirty years from date of issue, the particular period to be fixed by the board of commissioners at the time of the sale of said bonds. The said bonds shall be payable in gold or its equivalent, and shall have coupons attached, representing the interest on said bonds, which interest shall be payable semiannually, and the said bonds and coupons shall be prepared under the direction and supervision of the board of commissioners and shall bear interest at the rate of five per cent per annum. Bond issue authorized.
Amount.
Denominations.
Maturity.
Bonds payable in gold.
Interest.

Authentication.	SEC. 2. The said bonds, when issued, shall be signed by the chairman of the board of commissioners, countersigned by the clerk of the said board and attested by the official seal of Robeson County, and upon request of any holder or holders of said bonds the clerk of the Board of Commissioners of Robeson County is authorized and empowered to register said bonds and make the same payable to the order of the registered holder only; and from the date of the said registration, which shall be entered upon the face of the said bonds, they shall cease to be payable to bearer.
Registered bonds.	
Tax for interest and sinking fund.	SEC. 3. That for the purpose of paying the accrued interest on said bonds and to provide a sinking fund for the payment of the principal when due, the Board of Commissioners of Robeson County shall levy and cause to be collected annually as other taxes are levied and collected a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding three cents on each one hundred dollars' worth of property, and upon each taxable poll a tax not exceeding nine cents.
Rate.	
Bonds not to be sold below par.	SEC. 4. No bonds issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest. Said board of commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale they shall give notice thereof at the courthouse door of Robeson County and in one or more newspapers for at least thirty days.
Sale of bonds.	
Specific appropriation.	SEC. 5. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the said outstanding indebtedness incurred for the necessary expenses of the county prior to January first, one thousand nine hundred and nine, and for making such additional repairs to the jail and installing such additional fixtures and furniture in the courthouse as the said board of commissioners shall find to be a public necessity; and the said board of commissioners shall cause the treasurer to keep separate accounts of the said funds, so that the condition of the same may at all times be shown: <i>Provided, however,</i> 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.
Separate accounts.	
Proviso; responsibility of purchaser.	
Allowance* to treasurer.	SEC. 6. The treasurer of the county shall be allowed for disbursing the proceeds arising from the sale of said bonds an amount not to exceed a per cent to be fixed by the board of commissioners of said county and by them allowed.

SEC. 7. That it shall be lawful for any executor, administrator, Trust funds may
guardian, trustee or receiver to invest the trust funds in his hands be invested in
in said bonds. bonds.

SEC. 8. That the clerk of the board of commissioners of the said Record of bonds.
county shall provide a record in his office in which shall be entered
and kept the names of every purchaser of said bonds and the
number and amount of the bonds purchased, and also a record of
the bonds redeemed, together with the date of their redemption;
and bonds and coupons, when redeemed, shall be recorded as re-
deemed, and shall be destroyed by fire, in the presence of the board
of commissioners, and a record of such destruction shall be made
and dated.

SEC. 9. That the taxes levied hereunder shall be collected by the Collection of tax.
sheriff or other officer charged with the collection of other county
taxes, and they shall in respect thereto be liable, officially as well
as personally, to all the requirements of law now or hereafter
prescribed for the faithful collection and payment of other county
taxes, and the bonds given by said officer for the collection of
county taxes shall include the taxes levied hereunder.

SEC. 10. That in order to provide for the safe-keeping and in- Funding bonds
vestment of the funds arising from the taxes levied under this act sinking fund.
over and above the amount necessary to pay the interest upon
said bonds, the Treasurer of Robeson County shall open upon
his books as county treasurer an account to be designated "fund-
ing bonds sinking fund." and all amounts received by said treas-
urer from the taxes levied hereunder which may not be necessary
for the payment of the accrued and accruing interest on said
bonds shall be credited to the said "funding bonds sinking fund"
account, and there kept separate and distinct from all other county
funds for the purpose of paying the principal of said bonds at
maturity; and the said treasurer is hereby authorized and directed Investments of
to invest any amounts which may belong to said "funding bonds sinking fund." sinking fund.
sinking fund" from time to time in safe interest-bearing securities,
payable to said treasurer for the use and benefit of said sinking
fund: *Provided*, that no investment of said funds shall be made Proviso: county
until the security therefor is approved by the Board of Commis- commissioners to
sioners of Robeson County; and the treasurer shall be liable on his approve invest-
official bond for the faithful and honest performance of the duties ments.
imposed upon him under the provisions of this act.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 115.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS
OF TRANSYLVANIA COUNTY TO LEVY A SPECIAL TAX.

Preamble.

Whereas the Board of Commissioners of Transylvania County has made certain obligations on the part of the county for the purpose of installing fireproof vaults in the office of the register of deeds and in the office of the clerk of the Superior Court for the protection of the records of said county, the balance of which indebtedness aggregates about twenty-two hundred dollars: now, therefore,

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the Board of Commissioners of Transylvania County be and they are hereby authorized to levy a special tax of five cents on each one hundred dollars' worth of real and personal property and fifteen cents on each taxable poll in Transylvania County, North Carolina, for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, for the purpose of paying the said obligation above mentioned.

Rate.

Years.

Levy and collection of tax.

SEC. 2. That said special tax shall be levied, collected and disbursed as other taxes are levied, collected and disbursed.

Excess turned into general fund.

SEC. 3. Should there be any surplus remaining in the hands of the county treasurer derived from said special tax, after the payment of the above-stated obligation, all such excess shall be turned into the general county fund, the same to be used for the payment of county contingent claims.

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 116.

AN ACT CONCERNING THE ASSISTANTS AND EMPLOYEES
OF THE SUPREME COURT.

Preamble.

Whereas certain employees and servants which have been allowed for many years past to the Supreme Court were inadvertently omitted from the act of one thousand nine hundred and seven, and the acts of the General Assembly authorizing such employees were not brought forward in the Revisal of one thousand nine hundred and five: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the payments made to the several employees Payments ratified. of the Supreme Court by the Keeper of the Capitol are hereby ratified and confirmed.

SEC. 2. That the said Keeper of the Capitol is hereby author- ^{Servants to be} ized and empowered to keep upon his pay roll three servants or ^{kept on pay rolls.} employees of the Supreme Court, two of whom shall receive ten ^{Rate of payment.} dollars and fifty cents each per week for their services and the other four dollars and sixty-six cents per week for his services.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 117.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR OCRACOKE TOWNSHIP, HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Thomas W. Howard, Benjamin G. O'Neal and Justices named. C. M. Scarborough be and they are hereby appointed justices of the peace for Ocracoke Township, in Hyde County, for a term of Term. two years.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 118.

AN ACT TO AMEND CHAPTER 551, PUBLIC LAWS 1905, RE- LATING TO FISHING IN GOODWIN'S MILL POND.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-one of the Public ^{Shooting fish} Laws of one thousand nine hundred and five be and the same is ^{forbidden.} hereby amended by striking out section one of said chapter and substituting therefor the following: "That it shall be unlawful to shoot any fish in the waters of Goodwin's mill pond."

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 119.

AN ACT TO AMEND CHAPTER 82 OF PUBLIC LAWS OF EXTRA SESSION OF 1908, RELATING TO POUND OR DUTCH NETS IN SCUPPERNONG RIVER.

The General Assembly of North Carolina do enact:

Name of railway corrected.

SECTION 1. That section one of chapter eighty-two of the Public Laws of extra session of one thousand nine hundred and eight be and the same is hereby amended by striking out the words "Norfolk and Western Railroad" and inserting in place thereof "Norfolk and Southern Railway."

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 120.

AN ACT TO AMEND CHAPTER 180 OF THE PUBLIC LAWS OF 1907, RELATING TO THE POLICE COURTS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Additional jurisdiction.

SECTION 1. That section seven of chapter one hundred and eighty of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed and the following substituted therefor: "Said court, in addition to the jurisdiction conferred by sections four, five and six of this act, shall have exclusive original jurisdiction to hear and determine all offenses of larceny, receiving stolen goods, knowing them to have been stolen, where the value of said article or articles shall not exceed twenty dollars, and which are committed anywhere in Pasquotank County, and all manner and kinds of false pretenses and frauds, not including forgery, where the value of the property so obtained shall not exceed twenty dollars, and which are committed anywhere in Pasquotank County, and said offenses of larceny, receiving stolen goods, knowing them to have been stolen, and false pretenses and frauds, as herein stated, are hereby declared by this act to be petty misdemeanors": *Provided*, that this act shall apply to all offenses denominated herein which have been committed prior to the passage of this act and not heretofore disposed of.

Offenses declared petty misdemeanors.

Proviso: offenses heretofore committed.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 121.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF McDOWELL COUNTY TO ISSUE BONDS TO PAY IN-
DEBTEDNESS.*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to pay the present outstanding in- Purpose of issue.
debtedness of McDowell County and to provide for the deficiency
of the tax levy for the present year to meet the expenses to be
drawn from the general fund for necessary expenses, the Board Bond issue au-
of Commissioners for McDowell County are hereby authorized thorized.
and empowered to issue bonds in a sum not to exceed fifteen thou-
sand dollars, to bear interest at not exceeding six per centum per Interest.
annum and to run for not exceeding ten years. Maturity.

SEC. 2. That such bonds shall be sold to the highest bidder, Sale of bonds.
after due advertisement, for cash: *Provided*, that they shall not Proviso: not to be
be sold for less than their par value; and *Provided*, that said sold below par.
board of commissioners shall have the right to reject any and all Proviso: rejection
bids, if in their judgment the full value of said bonds should not of bids.
be bid therefor.

SEC. 3. That the Board of Commissioners for McDowell County Tax for interest,
shall levy a tax annually sufficient to pay the interest on said
bonds, not to exceed in any one year ten cents on the one hundred
dollars' worth of property, and a like corresponding amount on
each poll, observing always the proper equation between the
amount of tax on property and polls.

SEC. 4. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 122.

AN ACT FOR THE RELIEF OF W. G. LONG, T. J. GORDON
AND JERRY C. LANEY, COMMISSIONERS OF UNION
COUNTY.

Whereas it is represented that in Union County, during the year Preamble,
one thousand nine hundred and eight, a large number of public
bridges throughout about all of the townships of said county were
by unprecedented floods greatly injured or entirely destroyed; and
whereas it is represented that the said commissioners, believing
that they would be entitled to pay for such services and that they
could save the said county much money, did, by or through the
various members of said board, examine each and all of said

bridges or bridge sites; and whereas it is represented that, owing to local conditions, they found that in many instances bidders would not repair or rebuild the necessary bridges for a fair compensation; and whereas it is represented that the said commissioners thereupon themselves, by one or more of their board, superintended the rebuilding or repair of such of said bridges as they found could not profitably be rebuilt or repaired by letting same out to bidders, as provided by law; and whereas it is represented that by said action the said board of commissioners saved to the said county much more than the compensation for such services hereinafter allowed them: now, therefore,

The General Assembly of North Carolina do enact:

Allowance to
county commis-
sioners.

SECTION 1. That the treasurer of the county of Union pay to each, W. G. Long, T. J. Gordon and Jerry C. Laney, upon his filing with the clerk of said board an itemized and verified statement of the days of such service and his mileage, for his services in examining and superintending the repairing or rebuilding of bridges destroyed or injured by floods in said county during the year one thousand nine hundred and eight, the sum of two dollars per day and mileage in going to and from the sites of said bridges: *Provided, however,* that no such commissioner shall be allowed to prove or be paid for exceeding fifteen days' services and mileage for the entire year of one thousand nine hundred and eight.

Proviso: limit.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 123.

AN ACT TO APPOINT A FINANCE COMMITTEE FOR ASHE COUNTY.

The General Assembly of North Carolina do enact:

Committee
named.

SECTION 1. That A. R. Vail, R. A. Hamilton and William Bledsoe be and they are hereby appointed a committee of finance for the county of Ashe, and shall be known as the "finance committee," and they shall hold their office for two years from qualification.

Term.

Duty of com-
mittee.
Public advertise-
ment.

SEC. 2. That it shall be the duty of said committee to inquire into, investigate and report, by public advertisement in *The Jefferson Recorder*, a newspaper published in Ashe County, and also at the courthouse door, a detailed and itemized account of the condition of the county finances, together with any other information appertaining to the road-tax funds of any township in said

county, and examine into any settlement of any county official, as well as the books and accounts kept by any county official or that have been kept by any officials, together with all powers not inconsistent with this act which are provided for in sections one thousand three hundred and eighty-nine and one thousand three hundred and ninety-one of the Revisal of one thousand nine hundred and five, and shall have the power to pursue the investigation Extent of investigation. back as far as December first, one thousand eight hundred and ninety-two, and further, if necessary; and shall have power to Clerk. employ a clerk and fix his salary, not to exceed two dollars per day; and shall also have authority to employ counsel, and also Counsel. to report any property not listed for taxation.

SEC. 3. That the members of said committee shall meet at Jefferson the first Monday in April, one thousand nine hundred and nine, and organize by electing one of their members chairman and appointing a clerk, and before entering upon the discharge of their duties shall take and subscribe an oath, as follows: "I, Oath of office. A. B., do solemnly swear or affirm that I will diligently inquire into all matters relating to the receipts and disbursements of county and township funds, and a true report make: so help me, God."

SEC. 4. That the members of said committee shall receive two dollars per day for their services for the time actually engaged in the performance of the duties imposed, and shall meet at such Meetings. time and places as they may deem necessary, but shall not receive pay for more than thirty days in any one year.

SEC. 5. That all provisions of sections one thousand three hundred and eighty-nine, one thousand three hundred and ninety, one thousand three hundred and ninety-one, one thousand three hundred and ninety-two and one thousand three hundred and ninety-three of the Revisal of one thousand nine hundred and five shall apply to this act, which are not inconsistent with this act.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 124.

AN ACT TO REGULATE FISHING IN PARTS OF BLACK RIVER, SIX RUNS, BIG COHARIE, LITTLE COHARIE AND BEAR SKIN RIVERS. IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish in that part of Black River from the Cape Fear River to the mouth of Great Coharie River, and that part of Six Runs River from its mouth to where it is crossed by the Atlantic Coast Fishing with contrivances obstructing free passage of fish forbidden.

Line Railroad, and in any of the waters of Big Coharie, Little Coharie, Bear Skin or their tributaries, with any wire trap, pod net or pound net or any contrivance whatever that will obstruct the free passage of fish in said waters.

Misdemeanor.

Punishment.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and be fined not more than fifty dollars nor less than twenty-five dollars, or imprisonment not more than thirty days, one-half of said fine to go to the person or persons reporting said offenses.

SEC. 3. All laws or clauses of laws in conflict with this act shall be and the same are hereby repealed.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 125.

AN ACT TO REPEAL SECTION 3478, CHAPTER 81 OF THE REVISAL OF 1905, RELATIVE TO SHOOTING WILD FOWL IN PAMLICO SOUND, HYDE COUNTY.

The General Assembly of North Carolina do enact:

Shooting from
batteries.

SECTION 1. That section three thousand four hundred and seventy-eight, chapter eighty-one, Revisal one thousand nine hundred and five, relative to shooting wild fowl in Pamlico Sound, Hyde County, be and the same is hereby repealed.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 126.

AN ACT FOR THE PROTECTION OF FOREST RANGES IN THE COUNTY OF SWAIN.

The General Assembly of North Carolina do enact:

Stock owned by
residents of other
states forbidden
to run in range.

SECTION 1. That it shall be unlawful for any resident citizen of another State to drive, cause or procure to be driven into the county of Swain, in the State of North Carolina, any horse or horses, mule or mules, hog or hogs, cattle or sheep, between the first day of April and the last day of November, and suffer, allow or permit them or any of them to run at large in any forest range in the county aforesaid; and any and all persons either directly

or indirectly violating this act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court, and shall in addition thereto forfeit and pay five dollars for each head so permitted to run at large to any one who may sue for the same, or proceed by attachment in case the offender or offenders, is not to be found, one half to the party suing for the same, the other half to the school fund of the county of Swain: *Provided*, this act shall not apply to any nonresident citizen who at the time owns in the county in which he permits any such stock to range any land or lands situated in said forest range which can be located, or who owns a lease for one year or more in any such land, unless such nonresident shall bring, permit or cause to be brought into the range of said county as aforesaid more than ten head of any of said stock for every two hundred acres of land owned by him in the manner aforesaid in said county.

Misdemeanor

Punishment.

Forfeit.

Proviso: owners
of land in range
excepted.

SEC. 2. That in any trial upon an indictment for the violation of the foregoing section, or in a civil action for the penalty or penalties therein mentioned, the person or persons in possession or charge of any of said stock as therein mentioned shall be presumed to be the owner thereof, and shall be presumed to have brought said beast or beasts in and placed them on said range or in said forest range, and the burden shall be on him or them to disprove this fact.

Burden of proof

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 11th day of February. A. D. 1909.

CHAPTER 127.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PERQUIMANS COUNTY TO ISSUE BONDS AND TO LEVY A SPECIAL TAX FOR THE PURPOSE OF LIQUIDATING THE INDEBTEDNESS CONTRACTED IN BUILDING A NEW JAIL AND TO BE CONTRACTED IN INSTALLING IN SAID JAIL SEWERAGE ACCOMMODATIONS.

Whereas the Board of Commissioners of Perquimans County, in response to a real and apparent necessity, have recently builded in said county a new jail; and whereas, in order to equip said jail as originally designed and in accordance with said county's need, it is still necessary to install in said jail sewerage accommodations; and whereas the aggregate cost of building said jail complete, including as well the expense of installing said sewerage accommodations as the expense heretofore incurred in the construction of said jail, will approximate the sum of five thousand dollars (\$5,000); and whereas the indebtedness of said county

Preamble.

Preamble.

Preamble.

heretofore contracted in building said new jail will become due and payable in the month of May, one thousand nine hundred and nine, and said county is without the means of settling such indebtedness, and the ordinary purposes of said county's government annually require a levy of tax upon both property and polls to the full constitutional limit; and whereas, therefore, it is mutually desired by said board of commissioners and the people of said county to fund and liquidate the entire indebtedness contracted and to be contracted by said county in the building of said new jail complete, in the manner hereinbelow provided: now, therefore,

Preamble

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the Board of Commissioners of Perquimans County are hereby authorized and empowered to issue bonds, with or without coupons attached, according to the pleasure of said board, not to exceed in amount the sum of five thousand dollars (\$5,000), the proceeds whereof shall be applied and expended in liquidating the indebtedness heretofore contracted by said county in building a new jail and to be hereafter contracted in installing in said new jail sewerage accommodations, and to no other purpose whatever: *Provided*, that if, after the full liquidation of said indebtedness contracted and to be contracted by said county, as aforesaid, there shall remain of the proceeds of said bonds a surplus, such surplus shall be applied in the payment of said bonds or the interest on said bonds, as either shall become due and payable: *Provided further*, that the purchaser of said bonds or any of said bonds shall not be required to see to the application of the purchase money.

Proviso: application of surplus.

Denominations.

SEC. 2. That said bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, dated May first, one thousand nine hundred and nine, numbered serially, and payable to bearer at the Hertford Banking Company, in order of their numeration; that the principal of said bonds shall become due and payable, in five equal annual installments, on the first day of May of each year succeeding the issuance of said bonds, until the entire issue of said bonds shall be paid; that said bonds shall bear interest from date at a rate not exceeding six per centum per annum, payable annually upon the first day of May of each year, as aforesaid, upon all such bonds as shall remain at that said date unpaid: *Provided*, that if the holder of any of such bonds or coupons, if coupons shall be attached to said bonds, shall fail to properly present the same or either of same for payment according to the provisions of this act, such holder shall not be entitled to interest upon such bonds or coupons not presented for the time the same shall remain outstanding after maturity.

Date.

Maturity.

Interest.

Proviso: interest not allowed after maturity.

SEC. 3. That in order to declare its purpose and authority each of the bonds authorized by this act to be issued shall bear upon its face the words "Jail Bond" and a reference to this act, by title and the date of its ratification; that said bonds shall be signed by the chairman of the board of commissioners of said Perquimans County and countersigned by the clerk of said board, and shall bear the seal of said county; and the coupons attached to said bonds, if any coupons shall be attached, shall bear the number of the bond to which it shall be attached and shall be signed in like manner as said bond.

Designation of
bonds

Authentication.

SEC. 4. That the resolution of said Board of Commissioners of Perquimans County determining the form and denominations of said bonds and finally authorizing their issue may be introduced and passed at the same meeting of said board, which meeting may be either a regular or a special meeting, by a majority vote of all the commissioners present at said meeting, and no other authority or further proceeding shall be necessary for the issuance of said bonds.

Resolution con-
cerning bond
issue.

SEC. 5. That the bonds authorized by this act to be issued shall in no event be sold for less than their par value, and said bonds shall be delivered to the purchaser thereof by the chairman of the board of commissioners of said Perquimans County only upon his (said purchaser's) production of the receipt of the treasurer of said county showing the full payment of the purchase money of said bonds into the hands of said treasurer.

Sale of bonds not
below par.

SEC. 6. That the treasurer of said Perquimans County shall receive all such moneys paid in the purchase of said bonds in his official capacity as treasurer of said county, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act or as may be otherwise provided by the laws relating to the treasurer of said county; and it shall be the duty of the board of commissioners of said county to see that the bond of said treasurer shall at all times be sufficient in amount and with sureties satisfactory and requisite to provide against any loss of the moneys coming into said treasurer's hands upon a sale of said bonds, and to that end the said board may require the said treasurer to renew his official bond in such sum and with such sureties as said bond may require, and in default thereof may remove said treasurer from his office.

Treasurer to re-
ceive moneys.

Liability on bond.

Duty of county
commissioners.

SEC. 7. That the Treasurer of Perquimans County shall keep separate from all other public moneys coming into his hands the moneys arising from the sale of said bonds, and the compensation of said treasurer for receiving and disbursing said moneys shall be fixed by the board of commissioners of said county and shall not exceed one-half of one per centum of said moneys.

Funds to be kept
separate.

Compensation of
treasurer.

SEC. 8. That in order to pay the annual interest upon said bonds and to provide for the redemption of said bonds themselves, as

Special tax.

Rate. Collection and payment of tax. Specific appropri- ation. Surplus to general fund.	each installment shall mature, the Board of Commissioners of Per- quimans County shall annually levy a special tax, not exceeding ten (10) cents on every one hundred dollars' (\$100) valuation of taxable property in said county; that said special tax shall be col- lected and paid over in like manner as the other taxes of said county are collected and paid over, and under the same penalties; and the moneys arising and received from the special tax levied under this act shall be appropriated for the purposes of paying said bonds and interest on same, and for no other purpose whatsoever: <i>Provided</i> , that if after the full payment of all said bonds and inter- est there shall remain in the treasury of said county a surplus of the fund authorized and created by this act, such surplus may be transferred by order of said board of commissioners to the general fund of said county.
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SEC. 9. This act shall be in force from and after its ratification.
 Ratified this the 12th day of February, A. D. 1909.

CHAPTER 128.

AN ACT TO PROHIBIT SEINING IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Seining or trap- ping fish for- bidden. Close season. Proviso: traps may be used if one-half of stream left open	SECTION 1. That it shall be unlawful for any person or persons to seine or trap for fish in any manner whatever in any of the water courses of Transylvania County between the first day of March and the first day of November of each year: <i>Provided</i> , this act shall not prevent the trapping for fish at all seasons of the year, provided one-half of the stream is left open for free passage of fish.
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Misdemeanor. Punishment.	SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor and shall upon conviction therefor be fined or imprisoned in the discretion of the court, not less than five dollars in each and every case, in the discretion of the court.
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SEC. 3. That all laws and clauses of laws in conflict with this
 act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratifica-
 tion.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 129.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Anson County ^{Special tax au-} be and they are hereby authorized and empowered to levy a special ^{thorized} tax for the years one thousand nine hundred and nine and one Years. thousand nine hundred and ten, 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 Rate. 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 ^{Purpose of tax.} shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner and under the same penalties and within the same time as other taxes levied for said county.

SEC. 2. That the board of commissioners of said county may, ^{Tax may be used} if they deem it proper and necessary, use any part of the taxes ^{on roads and} collected under this act in building and repairing the public roads ^{bridges.} 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 and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 130.

AN ACT FOR THE RELIEF OF J. H. JOHNSON, EX-SHERIFF OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Johnson, ex-Sheriff of Wilkes County, is ^{Collection of taxes} hereby authorized and empowered to collect the amount of taxes ^{authorized.} for the years one thousand nine hundred and five and one thousand nine hundred and six under such rules and regulations as are or may be prescribed by law for the collection of taxes.

SEC. 2. That the authority given under this act shall cease on ^{Authority to} January first, one thousand nine hundred and ten. ^{cease.}

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 131.

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

The General Assembly of North Carolina do enact:

Leave of absence. SECTION 1. That Charles A. Armstrong, Clerk of the Superior Court of Montgomery County, be and he is hereby allowed to absent himself from his office on any Monday except the first Monday in each month by providing a competent deputy to keep his said office open and to transact the ministerial business thereof.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 132.

AN ACT TO PREVENT STOCK FROM RUNNING AT LARGE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for stock to run at large. SECTION 1. That it shall be unlawful for any horse, mule, jack, jennet, cattle, sheep, hog, goat or other live stock to run at large in Ashe County.

Stock impounded. SEC. 2. That any person may take up any live stock mentioned in the foregoing section, and turkeys and geese, when damaging or injuring the crops or property of another, running at large in said county, impound the same, and shall immediately notify the owner, if known, and if not known, after three days' notice, the nearest justice of the peace for his township, describing the animal or

Notice of impoundment.

Advertisement for sale of stock. animals so impounded, which said justice shall immediately advertise the same by posting a notice describing same in three public places in said township for a period of five days, appointing a time and place of sale, which time shall be between the hours of ten A. M. and four P. M., and at said time and place sell said impounded stock at public sale to the highest bidder for cash:

Proviso: owner of stock may reclaim. *Provided, however,* that the owner may at any time before sale reclaim the same by paying the fees, costs and expenses hereinafter provided for impounding same.

Proceeds of sale. SEC. 3. That the proceeds of any sale made under the provisions of this act shall be applied as follows: to cost of impounding, advertising, feeding and selling, and the remainder to be paid to the owner, if known, and if not known and no one proves his claim to the same within twelve months from date of sale, then such remainder shall be paid into the general school fund of said county by said justice.

SEC. 4. The following costs and fees shall be allowed for impounding stock: for horses, twenty-five cents per head for impounding and twenty-five cents per head per day for feeding same; for cattle, twenty-five cents, where single head is impounded and fifty cents where more than one head is impounded, and twenty cents per head per day for feeding same; for sheep, hogs, goats and all other animals mentioned in section one of this act, ten cents, where single head is impounded and twenty-five cents where more than one is impounded, and five cents per day for feeding same; and the justice of the peace shall be entitled to the following fees: ten cents for each notice authorized by law, fifteen cents for order of sale and twenty-five cents for making sale: *Provided*, that where several animals are sold and advertised in one lot belonging to the same person these fees shall be for the entire lot, and said fees shall be paid by the owner of said impounded stock before same is delivered to him, and if said owner refuses to pay said fees the said impounded stock shall be sold as provided for in section two of this act and proceeds of sale applied as therein provided.

Costs and fees for impounding stock

Proviso: fees for advertising.

SEC. 5. That if any person in said county shall allow his or her stock mentioned in section one or two of this act to damage or in any way injure the growing crop or other property of another, the owner of said stock shall be liable in damages to the owner of said property so injured or damaged, and the party whose property is so injured shall have a right to impound the stock committing the damage or injury under the provisions of section two of this act, and the amount of said damages shall be fixed as follows: If the parties cannot agree, the party whose property has been damaged shall select one disinterested person and the owner of the stock another disinterested person, and if they cannot agree, then the two parties so selected shall choose a third, and the agreement of any two of them shall determine the amount of said damage, which, when so fixed, together with fees and costs of impounding, shall constitute a lien upon said stock so impounded, and shall be paid by the owner of said stock before the same shall be delivered to him, and if said owner shall fail or refuse to pay the same the said impounded stock shall be sold as provided in section two of this act: *Provided, however*, that this act shall not preclude a party from bringing a civil action for damages for such injury if he elects to do so.

Owner liable in damages.

Procedure to fix damage.

Damage a lien on stock.

Proviso: civil action for damages.

SEC. 6. That any person impounding stock under the provisions of this act shall feed, water and properly care for same during the time they are so impounded, and if any person having stock impounded shall willfully allow the same to continue without necessary food and water for twelve successive hours, or if any person shall take the same from the possession of the party who has impounded same, forcibly or otherwise, without paying fees

Stock to be fed and watered.

Taking stock from impound.

Misdemeanor— and cost of damages provided for in this act, he shall be guilty
punishment. of a misdemeanor and punished as provided for in section eight
of this act.

Pulling down fence a misde- SEC. 7. That any person who shall willfully pull down any
meanor. fence enclosing any field or pasture, whereby any person's stock
Punishment. may be turned at large, shall be guilty of a misdemeanor and
punished as provided in section eight of this act.

Permitting stock to run at large a misdemeanor. SEC. 8. That any person violating the provisions of section one
of this act by willfully and knowingly allowing his or her stock
Punishment. mentioned in said section one to run at large in said county shall
be guilty of a misdemeanor and shall be fined not more than fifty
dollars or imprisoned not more than thirty days, at the discretion
of the court: *Provided, however,* that this section shall not apply
to turkeys running at large.

Former stock laws repealed. SEC. 9. That all former stock laws ratified for Ashe County are
hereby repealed, and this act shall be in force from and after its
ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 133.

AN ACT TO LEVY A TAX TO MAINTAIN CERTAIN BRIDGES IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Bridges to be kept at expense of county. SECTION 1. That all bridges over any ditch on or across the pub-
lic highway in Lake Landing Township, Hyde County, North Caro-
lina, ten feet or more in width, shall be kept at the expense of the
county and paid for out of the general fund of the county on the
order of the board of county commissioners.

Bridges to be built and repaired by township. SEC. 2. That all bridges over any ditch across the public high-
way in Lake Landing Township, Hyde County, North Carolina, of
less width than ten feet, shall be built, repaired and maintained
at the expense of said township.

Bridge tax. SEC. 3. That a tax of three and one-third cents on the one hun-
dred dollars valuation of real and personal property and ten cents
on each poll be levied annually when other taxes are levied by the
board of county commissioners upon the property and polls in said
Lake Landing Township, and collected as other taxes are collected
and paid over to the county treasurer, and to be a special fund for
the building, repairing and maintaining of said bridges in Lake
Landing Township.

Overseers to build and repair bridges. SEC. 4. That the overseer in each road district in said township
shall build and repair the bridges in his road district and present
Accounts. his account for the same to the chairman of the road supervisors,
which said account shall be sworn to and subscribed by him be-
fore an officer with powers to administer oaths.

SEC. 5. That the chairman of the road supervisors shall draw an order on the county treasurer for the amount of said bill, provided he shall deem the same just and reasonable, payable to said road overseer, which said order shall be approved and endorsed by the chairman of the board of county commissioners and then paid by the county treasurer out of the said township funds.

Order for payment of accounts.

SEC. 6. That the county treasurer shall keep said township fund separate and apart from other public funds, and render annually on the first Monday in December to the board of road commissioners a separate statement of account of his receipts and disbursements of the same and file the proper vouchers for all disbursements.

Fund to be kept separate.

Separate accounts.

SEC. 7. That each and every road overseer who fails to keep the bridges in his road district in good condition shall be guilty of a misdemeanor, and upon conviction of said neglect shall be fined five dollars for each case of neglect.

Failure to keep up bridges a misdemeanor.
Punishment.

SEC. 8. That the county commissioners of Hyde County shall, upon petition of one-third of the qualified voters in said Lake Landing Township, call an election to be held in said township within thirty days after the regular meeting at which said petition may be considered, submitting to the voters of said township the question of whether or not the said tax for said purpose shall be levied. The election officers for said election shall be appointed by the said board of county commissioners at the time the election is ordered, and the election shall be held under the same rules and regulations as are prescribed for holding the general election, so far as they may be applicable to carry out the provisions of this act. The returns from said election shall be delivered by the delegated returning officer within two days after said election in a sealed envelope to the Register of Deeds of Hyde County, which shall be held by him until the first regular meeting of the board of county commissioners, when the said returns shall be canvassed and facts found and declared. Those electors favor-

Election to be ordered.

Election officers

Law governing election.

Returns.

Ballots.

Effect of election.

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

SEC. 10. That this act shall be in force on and after September first, one thousand nine hundred and nine.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 134.

AN ACT TO EXTEND THE TIME IN WHICH R. T. KERNODLE, EX-SHERIFF OF ALAMANCE COUNTY, SHALL BE AUTHORIZED TO COLLECT TAXES.

The General Assembly of North Carolina do enact:

Collection authorized.

Years.

SECTION 1. That R. T. Kernodle, ex-Sheriff of Alamance County, be authorized to collect the taxes borne on the tax list which came to his hands as sheriff of said county for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, until and up to the first day of June, one thousand nine hundred and ten, and up to and until said date he is authorized to exercise the power given for the collection of taxes in said county.

Time for settlement.

SEC. 2. That the time for said ex-sheriff to settle and pay over the taxes shall not hereby be extended.

Persons exempted.

SEC. 3. That the time is not by this act extended for the collection of taxes against persons who may be dead, nor minors, nor against any one who shall show receipt or make affidavit that the taxes sought have theretofore been paid.

SEC. 4. That this act be in force from and after its ratification. Ratified this the 12th day of February, A. D. 1909.

CHAPTER 135.

AN ACT AUTHORIZING A SPECIAL TAX IN SYLVA AND WEBSTER TOWNSHIPS, JACKSON COUNTY, TO DEFRAY THE EXPENSES OF CERTAIN SUITS.

Preamble.

Whereas certain coupon bonds purporting to be for the construction of a railroad from the town of Sylva to the town of Webster, in Jackson County, were illegally issued, about the year one thousand eight hundred and ninety-one, upon said townships, and for which said townships received no benefits; and whereas it has been necessary for the board of commissioners of said county, as trustees for said townships, to defend several suits in the Superior Court of Jackson County and in the Supreme Court to establish the illegality of said bonds, and in which the said commissioners incurred various items of expense and attorneys' fees, and which said bonds were declared illegal and void by the Supreme Court:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Jackson County, to cover said expenses and fees, are hereby authorized to levy a special tax of not exceeding ten cents upon the properties and not exceeding thirty cents on the poll, observing the constitutional equation, in said townships of Webster and Sylva, in said county of Jackson, to be levied and collected in the same manner as the State and county taxes.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 136.

AN ACT TO AMEND CHAPTER 697, PUBLIC LAWS OF 1907,
PROVIDING FOR THE IMPROVEMENT OF THE PUBLIC
ROADS OF MARION TOWNSHIP, IN THE COUNTY OF Mc-
DOWELL.

The General Assembly of North Carolina do enact:

SECTION 1. That section five (5) of chapter six hundred and ninety-seven (697), Public Laws of one thousand nine hundred and seven, be amended by striking out, in line twenty thereof, after the word "the" and before the word "may," the words "board of commissioners," and inserting in lieu thereof the words "roads commission for Marion Township."

SEC. 2. That section ten (10) of said chapter be stricken out and the following substituted in lieu thereof: "That in order to meet the present outstanding indebtedness of Marion Township the roads commission for Marion Township is hereby authorized and empowered to issue the bonds of said township in a sum not to exceed ten thousand dollars, to run for not longer than ten years from the date of issue and to bear interest at not exceeding six per centum per annum, and that in order to pay the interest on said bonds an annual tax shall be levied in Marion Township each year upon all taxable subjects, observing the proper equation between the property and the poll tax levy, in a sufficient sum to provide for the payment of the interest on said bonds: *Provided*, that whenever and so long as a road tax is levied in said township the interest on said bonds shall be paid from the fund arising from such tax, upon which said fund the owners of said bonds shall have a first lien for the payment of the interest on said bonds."

Roads commission
for Marion town-
ship.

Bond issue au-
thorized

Amount

Maturity.

Interest.

Tax for interest.

Proviso: interest
a lien on road tax.

SEC. 3. That the following be added to said chapter, as herein amended, and at the end thereof:

Tax collected within town of Marion.

"(Sec. A.) That one-half of the tax collected upon property within the corporation of the town of Marion shall be applied by said roads commission or, with its approval, by the proper town authorities upon the streets, sidewalks and highways of said town of Marion, and the remaining one-half of such tax shall be used outside of said town upon the highways of Marion Township by said roads commission.

Convict work within town.

"(Sec. B.) That the convict forces may be worked within said town of Marion upon its streets and highways whenever said roads commission shall deem it advisable to so employ them: *Provided*, that the total expenses of such work, together with the keeping and maintaining of said convicts while so employed, shall be borne by said town of Marion.

Proviso: expense borne by town.

Employment of convict force.

"(Sec. C.) That said convicts shall be employed by said roads commission (except when inside of the corporation of Marion) in grading or macadamizing, or both, upon the public roads, and shall not be employed to repair the usual wear and tear of roads caused by travel thereon.

Labor of persons subject to road duty.

"(Sec. D.) That the labor of all persons subject to work upon the public roads in Marion Township shall be applied to the repairing of the usual wear and tear of public roads by travel thereon, together with the making of such minor changes in location or grade of any public road as may be deemed advisable by said roads commission.

Money collected in lieu of road work.

"(Sec. E.) That all money collected by overseers of public roads in Marion Township in lieu of work shall be paid over to the chairman of said roads commission or the supervisor of roads, to be used under the direction of said roads commission.

Census of persons subject to road duty.

"(Sec. F.) That on the first Saturday of April, one thousand nine hundred and nine, and on the first Saturday of February of each and every year thereafter, each and every justice of the peace and each and every overseer of roads in Marion Township shall meet at the courthouse not later than the hour of ten o'clock A. M., and shall then and there make out a complete census or list of the names of all persons liable to work upon the public roads of the township outside of the town of Marion, and shall then re-apportion to each section of each road and to each overseer of each section a just pro rata of those liable to work, and shall then and there certify under the hands of each justice of the peace present at such meeting a list of the names of persons assigned to each section of the road and to each overseer, to the supervisor of roads for Marion Township, certifying also at the same time the names of any justice of the peace or overseer failing to so attend such meeting, for which service each justice of the peace and each overseer so attending shall be paid the sum of one dollar."

Apportionment to roads.

Pay of justices and overseers.

SEC. 4. That every overseer of public roads in Marion Town-
 ship shall be paid the sum of one dollar for each warning of the
 hands assigned to him, when notified by the supervisor of roads
 to so warn them: *Provided*, that he shall receive no compensation
 for any warning where he fails to lawfully warn every man
 assigned to him and every man who is by law subject to work
 upon his section of the roads.

Pay to overseer
 warning hands.

Proviso: no com-
 pensation unless
 all hands warned.

SEC. 5. That every person who violates any provision of this
 act shall be guilty of a misdemeanor, and upon conviction shall
 be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor.

Punishment.

SEC. 6. That this act shall not apply to any county except Mc-
 Dowell nor to any township therein except Marion.

Application of act

SEC. 7. That this act shall be in force from and after its ratifi-
 cation.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 137.

AN ACT FOR THE RELIEF OF MRS. EMMA ALICE HOW- ARD, ADMINISTRATRIX AND WIDOW OF EUGENE K. HOWARD, DECEASED, LATE SHERIFF OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Mrs. Emma Alice Howard, widow and adminis-
 tratrix of Eugene K. Howard, deceased, late Sheriff of Granville
 County, North Carolina, be and she is hereby authorized to collect
 for the benefit of the estate of said deceased all arrears of taxes,
 including poll taxes, taxes on property, county and State taxes,
 and also all special and license taxes levied and uncollected in
 said county for the years one thousand nine hundred and five,
 one thousand nine hundred and six and one thousand nine hundred
 and seven, under such rules and regulations as are provided by
 law for the collection of taxes and according to the provisions of
 chapter seventy-two of the Revisal of one thousand nine hundred
 and five.

Collection of ar-
 rears authorized.

Years.

SEC. 2. That for the purpose of collecting said taxes and carry-
 ing out the provisions of this act the said Mrs. Emma Alice How-
 ard, administratrix of Eugene K. Howard, deceased, is hereby
 authorized to constitute and appoint as her agent for said pur-
 pose Ernest Brodie Howard, of Granville County, and the said
 Ernest Brodie Howard, when so appointed, is hereby authorized
 to collect said taxes for the benefit of said estate upon such terms
 as may be agreed upon by said administratrix, in like manner as
 sheriffs are authorized by law to collect taxes, and he is hereby

Appointment of
 agent.

vested with all the rights, remedies, power and authority for the collection of said taxes as is conferred upon and vested in sheriffs by law and under said chapter seventy-two of the Revisal of one thousand nine hundred and five.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 138.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LITTLETON.

The General Assembly of North Carolina do enact:

SECTION 1. That the words "twenty-five cents," in line three of subsection one of section twenty-nine, chapter one hundred and seventy-one, Private Laws of one thousand eight hundred and ninety-three, be stricken out and the words "seventy-five cents" be inserted in lieu thereof.

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

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 139.

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

The General Assembly of North Carolina do enact:

Special tax
authorized.

Rate.

Years.

Levy and collec-
tion.

SECTION 1. That the Board of Commissioners of Beaufort County be and they are hereby authorized and empowered to levy a special tax, not to exceed thirteen and one-third ($13\frac{1}{3}$) cents on the hundred dollars valuation of real and personal property in said county and forty (40) cents on each poll in said county, annually for two (2) years, to-wit, the years one thousand nine hundred and nine and one thousand nine hundred and ten, to be expended and applied to the payment of the indebtedness and current expenses of said county.

SEC. 2. That said taxes shall be levied and collected as other public taxes are levied and collected in said county.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 140.

AN ACT TO AUTHORIZE O. F. F. POOL, EX-SHERIFF OF ALEXANDER COUNTY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That O. F. F. Pool, ex-Sheriff of Alexander County, be and he is hereby authorized and empowered to collect all arrears of taxes due him for the years of one thousand nine hundred and five and one thousand nine hundred and six, in said county, and shall have power to levy and distrain for the collection of the same in the same manner under the then existing laws for the collection of taxes. Collection of arrears authorized.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 141.

AN ACT TO AMEND CHAPTER 197 OF THE PUBLIC LAWS OF 1905, FOR THE BETTER WORKING OF THE PUBLIC ROADS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-seven of the Public Laws of North Carolina enacted at the session of one thousand nine hundred and five, entitled "An act to provide for the better working of the public roads of Chatham County," be and the same is hereby amended by striking out all of section twenty-one and inserting in lieu thereof the following: "Sec. 21. When in any township in the county of Chatham, as now constituted or as may hereafter be constituted, a petition signed by one-fourth of the qualified voters of the township shall be presented to the board of county commissioners of said county asking for an election to be held in such township upon the question of issuing bonds for permanent road improvements therein, it shall be the duty of the said county commissioners to order such election, which shall be held under the same rules and regulations as elections for members of the General Assembly. The order for such election shall state the amount of bonds proposed to be issued, which shall not exceed thirty 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. 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

Petition for election.

County commissioners to order election.

Limit on amount of bonds.

Ballots.

Canvass of returns and declaration of result.	the duty of the said county commissioners 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 and deliver them, as they may be called for, to the road commissioners of said township.
Appointment of road commissioners.	When any township has voted for a bond issue, as above provided, the county commissioners shall appoint three freeholders of such township as road commissioners of said township, who shall serve without compensation, one for one year, one for two
Compensation.	years and one for three years and until their successors are appointed, the term of each of which successors shall be three years.
Term of office.	The said road commissioners are authorized and it shall be their duty to sell the bonds received by them at not less than par and at such times as they shall see fit, and apply the proceeds for the permanent improvement of the public roads in their township.
Sale of bonds.	Said township road commissioners shall have the exclusive control of the public roads of their township, with the right to change and establish roads and cartways, and they may employ a superintendent (who may be one of their number) and fix his compensation, and also employ laborers, or let to contract, for the improvement of the said roads, and have all the power and authority over the roads of their township that are given in this act to the county road commissioners. It shall be the duty of the said board of county commissioners to levy annually a special tax in the township voting for bonds to meet the interest on such bonds and to provide a sinking fund for the payment of the principal, the said special tax to be collected as all other taxes are, to be kept separate in the tax books of the county and to be paid over, without any commissions, to the treasurer of the township road commissioners, who are hereby authorized to appoint such treasurer, who shall hold office for a term of two years and until his successor is appointed, and give a good and sufficient bond, to be approved by the said township road commissioners, and pay out any moneys in his hands, only upon the order of the board of township road commissioners, and his compensation shall not exceed one per cent; and all funds from any source whatsoever for road purposes in said township shall be paid over to the said treasurer.
Application of proceeds.	
Exclusive control of roads.	
Superintendent of roads.	
Special tax for interest and sinking fund.	
Township road treasurer.	
Bond of treasurer.	
Orders for payment of money. Compensation of road treasurer.	
Statements to be published.	
County road fund of townships levying tax.	
Road commissioners may employ clerk.	

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 142.

AN ACT TO PERMIT L. MIDDLETON, EX-SHERIFF OF DUP-
LIN COUNTY, TO COLLECT BACK TAXES.*The General Assembly of North Carolina do enact:*

SECTION 1. That L. Middleton, ex-Sheriff of Duplin County, be and he is hereby authorized and empowered to collect all the un-<sup>Collection of ar-
rears authorized.</sup> paid taxes in Duplin County which he is by the law required to collect for the years one thousand nine hundred and five to the Years. year one thousand nine hundred and eight, inclusive.

SEC. 2. That said L. Middleton, ex-Sheriff of Duplin County, shall have all the power and authority to collect the taxes for the years mentioned in section one of this act for Duplin County which are now granted to sheriffs and tax collectors under the existing laws of North Carolina. <sup>Powers and
authority.</sup>

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 143.

AN ACT TO AMEND CHAPTER 581, PUBLIC LAWS OF 1899.
RELATING TO THE ROAD LAW OF THE TOWNSHIPS OF
RIVER AND JUDKINS, IN WARREN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That in this act, as applied to the townships of River and Judkins, in said county. Frederick Shearin, J. R. Patterson, T. D. King, J. R. Boyd and J. H. Bobbitt, for River Township; R. L. Alston, D. L. Ryder, Charles S. Riggan, D. A. Fishel and J. B. Harriss, for Judkins Township, shall be and the same are hereby constituted a special road commission for their respective townships, which road commission, in carrying out the provisions of this act, as applied to said townships, is hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the county commissioners. <sup>Road commission:
River township.</sup> <sup>Road commission:
Judkins township.</sup> <sup>Duties, rights and
powers.</sup> 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 township 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 ^{Road tax.} ^{Vacancies.}

	of road commissioners shall be filled by the board of county commissioners, upon the recommendation of the board of road commissioners, and its members shall be paid out of the township road fund of the townships owing it, not exceeding one dollar per day each, while actually engaged in the necessary work of the commission, for not more than two days during any one month.
Pay of road commissioners.	
Commutation for road work.	Such moneys as may be paid in lieu of labor in said townships may be collected by the township supervisor or supervisors, as the road commissioners may direct, and expended by order of the said road commissioners for the improvement of the roads in their respective townships.
Road supervisors.	SEC. 2. That said road commissioners may elect one or more supervisors of their township, as may to them seem best, for the building of the public roads in said townships.
County treasurer to pay over money.	SEC. 3. That the Treasurer of Warren County is hereby authorized and directed to turn over to the treasurer of the respective townships all moneys that may come into his hands due to the said townships, when requested by said township treasurers, and their receipt shall be a lawful voucher for the county treasurer.
Bond of township treasurers.	SEC. 4. That the said township treasurers shall give a bond, to be approved by the board of road commissioners, in an amount double the value of the tax levy for road purposes in his township.
Deposits of road funds.	SEC. 5. That all moneys coming into the hands of said township treasurer shall be immediately deposited in some bank selected by himself, and no moneys paid out except upon vouchers approved by the said road board.
Vouchers.	
Inspection of books.	SEC. 6. That the books of said treasurers shall be semiannually inspected by at least three of said road commissioners of each township.
Compensation of officers.	SEC. 7. That said board may pay reasonable compensation for the services of its officers.
Purchase of machinery.	SEC. 8. That in the event the people shall authorize the issuing of bonds for road purposes in their respective townships, the said road boards are hereby authorized to purchase such machinery and other things necessary for the best building of the public roads, or they may let the road building out by contract to some competent road builder.
Roads may be let to contract.	SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.
When act effective.	SEC. 10. This act shall be in force from and after the tenth day of March, one thousand nine hundred and nine.
	Ratified this the 12th day of February, A. D. 1909.

CHAPTER 144.

AN ACT TO AMEND THE PUBLIC ROAD LAWS OF WARREN COUNTY IN REGARD TO THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the special road commission provided for the several townships of said county of Warren are hereby authorized and empowered to keep in repair, construct, build and maintain the bridges in their respective townships, as well as to construct, improve and maintain the public roads in their said townships, out of the funds which may be levied and collected as provided by chapter five hundred and eighty-one, Public Laws of one thousand eight hundred and ninety-nine; and the county commissioners of the said county of Warren or the general tax fund of said county shall in no way be responsible for the construction, improvement, maintenance, repairing or building of any roads or bridges in those townships in said county of Warren which have a special road commission therein. Repair and construction of bridges.

SEC. 2. That this act shall apply to the county of Warren, State of North Carolina.

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

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

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 145.

AN ACT TO CONSTRUCT A GRADED ROAD IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. Severt, Nathan Sheets and John A. Miller be and are hereby appointed commissioners to lay out and have constructed a public road from D. W. Adams' store, on top of the Blue Ridge, by way of the mouth of Obid's Creek, to intersect with the Jefferson and Wilkesboro Road near J. W. Faw's, on Beaver Creek, North Carolina, in Ashe County. Commissioners named.
Route of road.

SEC. 2. That said commissioners shall supervise the construction of said road and shall be vested with the same powers as the supervisors of the public roads in Ashe County, with the further power to summon all hands subject to road duty within two miles Duty and powers of commissioners.

Proviso: limit of road duty.
Pay of commissioners.

of any point of said road in the county by the nearest way of travel: *Provided, however*, that not more than ten days' work shall be required of any hand during any one year. That said commissioners shall receive one dollar per day for the time they are actually employed in the performance of the duties herein imposed over and above the ten days.

Failure to discharge road duty a misdemeanor.
Punishment.

SEC. 3. That if any hand who comes under the provisions of this act who has been duly warned shall fail and refuse to work said road, as required by this act, he shall be guilty of a misdemeanor and fined not less than one dollar nor more than ten dollars; and all moneys so collected by said supervisors shall be applied to the construction of said road.

General road law applicable.

SEC. 4. That all provisions of the general road law of Ashe County shall apply to this act that are not inconsistent with this act.

Grade and location.

SEC. 5. That said commissioners shall construct said road upon a reasonable grade, utilizing as much of the Kelsey as to them may seem practicable, and may employ the county surveyor to aid them in the location of same.

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

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 146.

AN ACT FOR THE RELIEF OF P. G. McNEEL AND AMBROSE CLARK, EX-SHERIFFS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

Years.

SECTION 1. That P. G. McNeel and Thomas K. Miller and other bondsmen of the said P. G. McNeel and Ambrose Clark, ex-sheriffs of Ashe County, be and are hereby authorized and empowered to collect the arrearage of taxes due said ex-sheriffs by the taxpayers in said county for the years as follows: due P. G. McNeel for years one thousand eight hundred and ninety-nine and one thousand nine hundred; due Ambrose Clark for the years one thousand nine hundred and one and one thousand nine hundred and two, under the laws existing for said years, with full power to levy and distrain for taxes under the law enforced in said years.

Persons exempt from payment.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of section one of this act who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor,

administrator or guardian be compelled to pay any tax under the provisions of this act after he shall have made a final settlement: *Provided*, that this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the nonpayment of the taxes.

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

Ratified this the 13th day of February. A. D. 1909.

CHAPTER 147.

AN ACT TO AMEND SECTION 2040 OF THE REVISAL OF 1905, MAKING TUGBOATS AND OTHER BOATS LIABLE FOR SUPPLIES FURNISHED THEM IN THEIR HOME PORTS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and forty of the Revisal of one thousand nine hundred and five be amended by inserting after the word "tugboat," in line three of said section, the following: "and every vessel and boat shall also be subject to a lien for debts due for materials and supplies furnished to such vessel or boat in her home port, said liens." Debts for materials or supplies.

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

Ratified this the 13th day of February. A. D. 1909.

CHAPTER 148.

AN ACT TO REPEAL CHAPTER 540 OF THE PUBLIC LAWS OF 1907, RELATING TO THE PUBLIC ROADS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

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

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

Ratified this the 13th day of February. A. D. 1909.

CHAPTER 149.

AN ACT TO REGULATE THE REGISTRATION AND SALE OF
CONCENTRATED COMMERCIAL FEEDING STUFFS.

The General Assembly of North Carolina do enact:

Statements to be
affixed to
packages.

Standard weight
of packages.

Determination of
constituents.

Concentrated
commercial feed-
ing stuffs defined.

Copy of statement
filed for registra-
tion.

Deposit of
samples.

Agents not re-
quired to file
statements.

SECTION 1. That every lot or parcel of concentrated commercial feeding stuff sold, offered or exposed for sale within this State shall have affixed thereto or printed thereon, in a conspicuous place on the outside thereof, a legible and plainly printed statement in the English language clearly and truly certifying the weight of the package (*Provided*, that all concentrated commercial feeding stuffs shall be in standard-weight bags or packages of twenty-five, fifty, seventy-five, one hundred, one hundred and twenty-five, one hundred and fifty, one hundred and seventy-five, and two hundred pounds); the name, brand or trade-mark under which the article is sold; the name and address of the manufacturer, jobber or importer; the names of each and all ingredients of which the article is composed; a guarantee that the contents are pure and unadulterated, and a statement of the maximum percentage it contains of crude fiber, and the percentage of crude fat, and the percentage of crude protein, and the percentage of carbohydrates, allowing one per cent of nitrogen to equal six and one-fourth per cent of protein, all four constituents to be determined by the methods in use at the time by the Association of Official Agricultural Chemists of the United States.

SEC. 2. The term "concentrated commercial feeding stuffs" shall be held to include all feeds used for live stock and poultry, except hays, straws and corn stover, when the same are not mixed with other materials, nor shall it apply to the whole seeds or grains of cereals when not mixed with other materials.

SEC. 3. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State any concentrated commercial feeding stuff, shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file for registration with the Commissioner of Agriculture a copy of the statement required in section one of this act, and accompany said statement, on request, by a sealed glass jar or bottle containing at least one pound of such 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 crude protein, crude fat, crude fiber and carbohydrates which it contains.

SEC. 4. Whenever a manufacturer, importer or jobber of any concentrated commercial feeding stuffs shall have filed a statement, as required by section three of this act, no agent or seller of such manufacturer, importer or jobber shall be required to file such statement.

SEC. 5. The Commissioner of Agriculture shall have the power to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is composed, or when the names of each and all ingredients of which it is composed are not stated, or where it does not comply with the standards and rulings adopted by the Board of Agriculture. Should any concentrated commercial feeding stuffs be registered and it is afterwards discovered that they are in violation of any of the provisions of this act, the Commissioner of Agriculture shall have the power to cancel such registration.

Registration refused.

Registration cancelled.

SEC. 6. Each and every manufacturer, importer, jobber, agent or seller of any concentrated commercial feeding stuff, as defined in section two of this act, shall pay to the Commissioner of Agriculture an inspection tax of twenty cents per ton for each ton of such commercial feeding stuff sold, offered or exposed for sale or distributed in this State, and shall affix to or accompany each car shipped in bulk, and to each bag, barrel or other package of such concentrated commercial feeding stuff, a tag or stamp to be furnished by the Commissioner of Agriculture stating that all charges specified in this section have been paid: *Provided*, whenever any concentrated commercial feeding stuff, as defined in section two, is kept for sale in bulk, stored in bins or otherwise, the manufacturer, dealer, jobber or importer keeping the same for sale shall keep on hand cards of proper size, upon which the statement or statements in section one is or are plainly printed; and if the feeding stuff is sold at retail in bulk, or if it is put up in packages belonging to the purchaser, the manufacturer, dealer, jobber or importer shall furnish the purchaser with one of said cards upon which is or are printed the statement or statements described in this section, together with sufficient tax tags or stamps to cover same: *Provided*, that the inspection tax of twenty cents per ton shall not apply to whole seeds and grains when not mixed with other materials. It is further provided that, upon demand, said inspection tags or stamps shall be redeemed by the department issuing said tags or stamps, upon surrender of same, accompanied by an affidavit that the same have not been used: *Provided*, said tags or stamps shall be returned for redemption within the time fixed by the Board of Agriculture: *Provided further*, that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuff for sale. The Commissioner of Agriculture is hereby empowered to prescribe the form of such tax tags or stamps.

Inspection tax.

Proviso: sale in bulk, cards furnished purchaser.

Proviso: tax not required on whole seeds or grain.

Redemption of stamps.

Proviso: time for redemption.

Proviso: sales in bulk for mixing.

SEC. 7. Any manufacturer, importer, jobber, agent or dealer who shall sell, offer or expose for sale or distribution in this State

Feeding stuff liable to seizure, condemnation and sale.

	any concentrated commercial feeding stuff, as defined in section two 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 crude protein or crude fat or carbohydrates or a larger percentage of crude fiber than certified to be contained, or who shall adulterate any feeding stuff with foreign, mineral or other substance or substances, such as rice chaff or hulls, peanut shells, corn cobs, oat hulls or 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 this act, and the lot of feeding stuff in question shall be subject to seizure, condemnation and sale by the
Proceeds of sale.	Commissioner of Agriculture, and the proceeds from said sales shall be covered into the State Treasury for the use of the department executing the provisions of this act. Such seizure and sale shall be made under the direction of the Commissioner of Agriculture, by an officer of the Department of Agriculture. The sale shall be made at the courthouse door in the county in which the seizure is made, after thirty days' advertisement in some newspaper published in such county, or if no newspaper is published in such county, then by a like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the brand or name of the goods, the
Advertisement of sale.	quantity and why seized and offered for sale. The Commissioner of Agriculture, however, may in his discretion release the feeding stuff so withdrawn when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the Department of Agriculture in any proceedings connected with such seizure and withdrawal.
Release of feeding stuff.	SEC. 8. The Commissioner of Agriculture, together with his deputies, agents and assistants, shall have free access to all places of business, mills, buildings, carriages, cars, vessels and packages of whatsoever kind used in the manufacture, importation or sale of any concentrated commercial feeding stuff, and shall have power and authority to open any package containing or supposed to contain any concentrated commercial feeding stuff, and, upon tender and full payment of the selling price of said samples, to take therefrom, in the manner hereinafter prescribed, samples for
Powers of commissioner of agriculture and agents.	analysis; and he shall annually cause to be analyzed at least one sample so taken of every concentrated commercial feeding stuff that is found, sold or offered or exposed for sale in this State under the provisions of this act. Said sample, not less than one pound in weight, shall be taken from not less than ten bags or packages, or if there be less than ten bags or packages, then the sample shall be taken from each bag or package, if it be in bag or package form, or if such feeding stuff be in bulk, then it shall be taken from ten different places of the lot. The sample
Analysis of feed stuffs.	
Samples for analysis.	

or samples taken shall be kept a reasonable length of time by the Department of Agriculture, and on demand a portion of such sample or samples shall be furnished to the manufacturer, importer or jobber of his feeds for examination by the chemists or other experts of said manufacturer, importer or jobber. The Department of Agriculture is hereby authorized to publish from time to time in reports or bulletins the results of the analysis of such sample or samples, together with such additional information as circumstances advise: *Provided, however*, that if such sample or samples as analyzed differ from the statement prescribed in section one of this act, then, at least thirty days before publishing the results of such analysis, written notice shall be given of such results to the manufacturer, importer, agent or jobber of such stock, if the name and address of such manufacturer, jobber or importer be known: *Provided further*, that if the analysis of any such sample does not differ within reasonable limits from the statement prescribed in section one of this act appearing upon the goods, the manufacturer shall be considered as having complied with the requirements of this act.

Part of samples furnished manufacturer or dealer.

Publication of analysis.

Proviso: notice to manufacturer or dealer.

Proviso: compliance with act.

SEC. 9. The Board of Agriculture is empowered to adopt standards for concentrated commercial feeding stuffs and such rules and regulations as may be necessary for the enforcement of this act.

Standards, rules and regulations.

SEC. 10. Any manufacturer, importer, jobber, agent or dealer who shall sell, offer or expose for sale or distribute in this State any concentrated commercial feeding stuff without having attached thereto or furnished therewith such tax stamps, labels or tags as required by the provisions of this act, or who shall use the required tax stamps, labels or tags a second time to avoid the payment of the tonnage tax, or any manufacturer, importer, jobber, agent or dealer who shall counterfeit or use a counterfeit of such tax stamps, labels or tags shall be guilty of a violation of the provisions of this act.

Violations of act.

SEC. 11. Any manufacturer, importer, jobber, agent or dealer who refuses to comply with the requirements of the provisions of this act, or any manufacturer, importer, jobber, agent or dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any chemist, inspector or other authorized agent in the performance of his duty in connection with the provisions of this act, shall be guilty of a violation of the provisions of this act.

Further violations of act.

SEC. 12. Any manufacturer, importer, jobber, agent or dealer who shall violate any of the provisions of this act, upon conviction thereof, shall be fined not exceeding fifty dollars for the first offense nor more than two hundred dollars for each subsequent offense, and the proceeds from such fines shall be covered into the State Treasury for use of the Department of Agriculture in executing the provisions of this act.

Punishment for violations of act.

Notice to person
accused of vio-
lating act.

Opportunity to be
heard.

Facts certified to
solicitor.

Certificate of
analysis evidence.

Duty of solicitor.

Proviso: stuffs
now in stock.

SEC. 13. Whenever the Commissioner of Agriculture becomes cognizant of any violation of the provisions of this act he shall immediately notify in writing the manufacturer, importer or jobber and dealer, if same be known. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture, and if it appears that any of the provisions of this act have been violated the Commissioner of Agriculture shall certify the facts to the solicitor in the district in which such sample was obtained, and furnish that officer with a copy of the results of the analysis or other examinations of such article, duly authenticated by the analyst or other officer making such examination, under the oath of such officer. In all prosecutions arising under this act the certificate of the analyst or other officer making the analysis or examination, when duly sworn to by such officer, shall be *prima facie* evidence of the fact or facts therein certified.

SEC. 14. That it shall be the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases prescribed: *Provided*, that the provisions of this act shall not apply to any concentrated commercial feeding stuffs now in the hands or in the stock of any dealer or manufacturer.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 150.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF ELECTRIC, GAS AND WATER METERS.

The General Assembly of North Carolina do enact:

Appointment of
inspector of
meters.

SECTION 1. That in every city or town in the State of North Carolina where is furnished, for pay, electricity, gas or water by meter measure, the board of aldermen or other governing authorities of said city or town may appoint some competent person to act as inspector of meters, whose duty it shall be to inspect and test such meters and to carry out the provisions of this act as herein provided.

Time of appoint-
ment.

SEC. 2. That such appointment, if made, shall be made at the first meeting in May of each year of such board of aldermen or other governing authorities, subject to the power of such city

or town authorities to remove such appointee in the manner provided for the removal of its other appointees and to fill the vacancy caused by such removal. The compensation of such inspector shall be fixed and shall be paid by the city or town so appointing him, and such inspector shall upon his appointment take oath before the mayor of said city or town that he will faithfully perform the duties herein imposed upon him, and the said board of aldermen or other governing authorities of said city or town may require said inspector to give bond in such sum as they may fix for the faithful discharge of his duties.

Compensation of
inspector.

Inspector to
qualify.

Bond.

SEC. 3. Every person, firm, corporation or municipality furnishing for pay electricity, gas or water by meter measure in any city or town having appointed an inspector of meters, as aforesaid, shall provide and keep a suitable and proper apparatus for testing and proving the accuracy of the meters to be so furnished for use, by which apparatus all such meters shall be tested at their rated capacity.

Apparatus for
testing meters.

SEC. 4. That no person, firm, corporation or municipality furnishing for pay electricity, gas or water by meter measure shall hereafter furnish, install and put in use any such meter in any city or town having appointed an inspector of meters, as aforesaid, until such meter shall first have been inspected and found correct by such inspector, and it shall be the duty of such inspector to test the same upon the written request of such proposed furnisher. No meter now in service shall be required to be taken out for test, except where there is doubt as to its accuracy and upon the written request of the consumer, as herein provided.

Meters not
installed before
inspection.

Meters now in use.

SEC. 5. That when any consumer, by meter, of electricity, gas or water in any city or town having appointed an inspector of meters, as aforesaid, doubts the accuracy of such meter and desires to have the same tested, such consumer may file with said inspector of meters a written complaint of said meter and request that the same be tested, and shall at the same time deposit with the furnisher the sum of one dollar to cover the expense of taking out and replacing such meter, and thereupon it shall be the duty of such inspector as soon as practicable to accurately test said meter in the presence of and jointly with the authorized agent of the furnisher, and also in the presence of the complainant, if he so desires, and shall give to both the complainant and to the furnisher a written report of such test and the result thereof.

Inspection of
meters on complaint
of consumer.

Deposit for
expense.

SEC. 6. That if upon such test the said meter is found to be incorrect, in that it registers more than two and one-half per cent too fast—that is, more than two and one-half per cent more electricity, gas or water than it should—then and in that event said furnisher shall return to the complainant the said one dollar deposit and shall promptly properly adjust and repair said meter

Repayment or
forfeit of deposit.

or furnish a correctly adjusted meter; but if upon such test said meter shall not register more than two and one-half per cent too fast—that is, more than two and one-half per cent more than it ought to—the said one dollar deposit shall be retained by said furnisher to cover the expense of taking out and replacing said meter.

Adjustment of charges.

SEC. 7. That if upon such test the said meter shall register more than two and one-half per cent too fast, as above defined, the furnisher shall reimburse the complainant at the rate at which the meter registers too fast for a period of one month back; but if upon such test said meter shall be found to be incorrect, in that it registers more than two and one-half per cent too slow—that is, more than two and one-half per cent less electricity, gas or water than it should—then and in that event the complainant shall, in addition to the amount already charged him, pay at once to said furnisher at the rate at which the meter is too slow for a period of one month back, and the furnisher shall have the same rights for collecting such additional sum as is provided for the collecting of the past due and unpaid bills for electricity, gas or water, as the case may be.

Standard of accuracy.

SEC. 8. That any such meter having been tested and found to be not more than two and one-half per cent too slow nor more than two and one-half per cent too fast, as above defined, shall be considered correct, and such inspector shall so mark or stamp such meter and report the same to the board of aldermen or other governing authorities of said city or town.

Access to meters.

SEC. 9. That nothing in this act shall be so construed as to prevent any furnisher of electricity, gas or water from having free access to the meters.

Application to cities and towns.

SEC. 10. That this act shall also apply to cities and towns which furnish for pay electricity, gas or water by meter measure.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 151.

AN ACT TO CORRECT CALLS IN GRANTS No. 16828 AND No. 16829, IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Grant No. 16828. SECTION 1. That the first call in grant Number Sixteen Thousand Eight Hundred and Twenty-eight, issued to G. W. and H. M. Brown, in Ashe County, be corrected so as to read as follows: "Beginning on a chestnut, running east two and one-fourth poles to a stake," then follow calls of grant.

SEC. 2. That the first call of grant Number Sixteen Thousand Grant No. 16829, Eight Hundred and Twenty-nine, issued to G. W. and H. M. Brown, be corrected so as to read: "Beginning at a white oak in Payne line," and then following original calls in grant.

SEC. 3. That this act shall not disturb any vested rights or af- Vested rights and
fect any suit pending. pending suits.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 152.

AN ACT TO ESTABLISH THE STOCK LAW IN CERTAIN TERRITORY IN RANDOLPH COUNTY.

Whereas the stock law has been established in all of Randolph Preamble.
County except a small strip in Brower and Richland townships,
on the Moore County line, and it appearing that a majority of the
qualified voters of said territory have petitioned the General As-
sembly to enact the stock law for said territory: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of April, one thou- Stock law ex-
sand nine hundred and nine, the stock law shall be and is hereby tended.
established in all the county of Randolph where the stock law
does not already prevail in said county, and from and after said
day it shall be unlawful for any live stock to run at large in any
part of said county.

SEC. 2. That all the provisions of chapter thirty-five of the Re- General law
visal of one thousand nine hundred and five relating to the stock applicable.
law shall be applicable to the territory embraced in this act.

SEC. 3. That this act shall be in force from and after the first When act
day of April, one thousand nine hundred and nine. effective.

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 153.

AN ACT TO PROVIDE AN OFFICIAL STENOGRAPHER FOR THE COURTS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created the office of official stenog- Office created.
rapher for the county of Forsyth, and the said official stenographer Duties of
shall attend all the regular and special terms of court of said stenographer.
county and report all of the proceedings thereof, and in addition

thereto shall attend and report all hearings in special proceedings before the clerk, when evidence is to be taken, and likewise before referees, and shall also, under the supervision of the clerk of the court, make the transcript of the record for the Supreme Court in cases on appeal to said court, and the clerk's fees on such records shall be only five cents per copy sheet.

Appointment of
stenographer.

SEC. 2. Said stenographer shall be appointed by the clerk of the Superior Court, after having first been examined as to his or her competency by three members of the bar practicing in said court, said members to be selected by the chairman of the local bar association, whose report shall be filed with the clerk of the court.

Stenographer to
qualify.

SEC. 3. Before entering upon the duties of the office, such official stenographer shall take and subscribe an oath to correctly and honestly discharge the duties thereof, as prescribed by the judge, clerk, commissioner, referee or other person before whom any cause may be heard or tried, such oath to be filed with the clerk as a part of the record of his office.

Term of office.
Vacancy.

SEC. 4. The term of office of the official stenographer shall be two years, unless removed by the clerk for cause, and in case of such removal the clerk shall fill the vacancy as herein provided for the appointment of said stenographer.

Substitute
stenographer.

SEC. 5. In case of the absence of the official stenographer from any term of court or hearing before the clerk or referee, the clerk of the court shall appoint some competent stenographer in place of the official stenographer, who shall perform the same duties and receive the same compensation as the official stenographer during the absence of the official stenographer, and shall take an oath similar to the oath of the official stenographer.

Stenographer's
fees.

SEC. 6. For the purpose of providing a fund to reimburse the county for the sum which this act provides shall be paid said stenographer by the county, there shall be taxed by the clerk of the court a stenographer's fee of one dollar and fifty cents as a part of the cost in all civil cases in which any decree or judgment is signed, and in all criminal actions except where no jury has been impaneled there shall be taxed as a part of the cost a stenographer's fee of one dollar, except in capital felonies the fee shall be ten dollars: *Provided*, for each day or fraction of a day above one day that the services of a stenographer shall be required in any one case there shall be taxed as a fee fifty per centum in addition to the fees herein provided. That in making and preparing transcripts of records and papers, other than for the Supreme Court, the stenographer shall charge at the rate of ten cents per copy sheet, such fees to be paid to the clerk of the court in lieu of fees heretofore charged by the clerk for such work.

Proviso: addi-
tional fee taxed.

Fees for tran-
scripts and rec-
ords.

Copies to be fur-
nished by stenog-
rapher.

SEC. 7. Said stenographer shall, upon request made by either party or by counsel, furnish a typewritten copy of the notes of the case taken by said stenographer and of other parts of the record, or so much thereof as may be designated by the party making the

request: *Provided*, that before the said request shall be complied with the party making the request shall deposit with the clerk of the court a sum estimated by the stenographer to be equal to two and one-half cents per copy sheet for so much of the record as may be desired, but in no event shall this sum exceed ten dollars, except such fee shall not apply to parts of or the whole of the evidence which may be requested by counsel for their use or by the court during the progress of the trial of the case. If the deposit thus made shall exceed two and one-half cents per copy sheet the excess shall be refunded to the person making the deposit, but if the deposit shall be less than two and one-half cents per copy sheet then the person making the request shall make an additional deposit to equal two and one-half cents per copy sheet, and in the event the party so making the deposit is successful in his appeal the clerk shall tax as a part of the cost of the case the sum so deposited, to be recovered of the adverse party. Whenever the stenographer makes a copy of any of the notes of the evidence or other parts of the record there shall be made three copies, one to be filed with the clerk of the court, another to be handed to the party making the deposit, and the third copy furnished to the opposite party upon said party paying to the clerk of the court a sum which shall equal two and one-half cents per copy sheet. In all cases reported by said stenographer the books containing the original stenographic notes of the evidence and other parts of the record shall be filed with the clerk as a part of the record.

Proviso: deposit for copies.

Deposits taxed as costs.

Three copies to be made.

Note books to be filed.

SEC. 8. All fees provided for in this act shall be taxed as a part of the cost, and shall be the property of the county of Forsyth and paid to the treasurer thereof, when collected.

Fees taxed as costs to use of county.

SEC. 9. That the said stenographer shall receive as full compensation for the services required by this act the sum of seventy-five dollars per month, to be paid by the county of Forsyth, and the said county shall furnish to said stenographer an office in the courthouse, where said stenographer shall be required to attend, under the direction of the clerk of the court, and shall furnish all necessary supplies: *Provided*, the cost of said supplies shall not exceed one hundred dollars per annum.

Salary of stenographer.
Office.

Supplies.

SEC. 10. Whenever it shall become necessary in any court to prove the testimony of witnesses at the trial of any former case in Forsyth County, the typewritten copy of the notes of said testimony, certified over the signature of the said official stenographer, shall be *prima facie* evidence of the testimony of said witness, such signature to be acknowledged before the clerk of the Superior Court of said county, under his hand and official seal.

Copy of notes evidence.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 154.

AN ACT TO AMEND SECTION 1882 OF THE REVISAL OF 1905, AND TO PROTECT CROPS AGAINST THE DEVASTATION OF SQUIRRELS.

*The General Assembly of North Carolina do enact:*Killing of squirrels
devastating crops.

SECTION 1. That section one thousand eight hundred and eighty-two of the Revisal of one thousand nine hundred and five be and the same is hereby amended in the following manner, to-wit: "Provided, it shall be lawful for the owner, on his own lands, or the tenant or cropper in possession thereof, to hunt, kill or in any way capture squirrels at any time, if found upon the arable lands then in cultivation and devastating the crops growing thereupon, in the counties of Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden and Currituck.

Counties affected.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 155.

AN ACT SUPPLEMENTARY TO AND AMENDATORY OF "AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AT KANNAPOLIS," ETC., RATIFIED BY THIS GENERAL ASSEMBLY JANUARY 30, 1909.

*The General Assembly of North Carolina do enact:*Boundary of
Kannapolis.

SECTION 1. That to make more specific and definite the words "one mile of the cotton mills," used in said act, the boundary of Kannapolis shall be a circle, every point of which shall be one mile distant from the center of the ground covered by the "David Franklin Cannon Memorial Hall," erected at Kannapolis as a Y. M. C. A. building.

Jurisdiction.

SEC. 2. That all the jurisdiction conferred by said act may and shall be exercised within said circle.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 156.

AN ACT RELATING TO THE PAY OF SPECIAL VENIREMEN
IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That jurors in Richmond County, North Carolina. Jurors. shall receive the sum of one dollar and fifty cents for each day's attendance on court or inquest and mileage at the rate of five cents per mile.

SEC. 2. That special veniremen who attend and who are not drawn as jurors shall receive one day's pay of one dollar and mileage at the rate of five cents. ^{Special veniremen.}

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 157.

AN ACT TO SUPPLY CERTAIN RECORDS OF DUPLIN
COUNTY.

Whereas the books containing the records of many of the State grants for lands lying in Duplin County issued prior to the year one thousand eight hundred have been lost or destroyed from the office of the Register of Deeds of Duplin County; and whereas the county of Duplin is desirous of having a complete record of such laws or destroyed grants in the office of the register of deeds for the convenience and better protection of the titles of its citizens: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State is hereby authorized and directed to permit the Register of Deeds of Duplin County or his duly authorized and accredited deputy to copy, without cost or fees, from the records in the office of the Secretary of State all missing grants, abstracts of grants and other documents issued prior to the year one thousand eight hundred pertaining to titles of land in the present boundaries of Duplin County. Secretary of State
to permit copies
to be made.

SEC. 2. That the commissioners of Duplin County are hereby authorized and directed to pay the Register of Deeds of Duplin County or his duly authorized and accredited deputy the sum of fifteen cents per hundred words and board bill and railroad fare in coming to and from Raleigh, while copying said records, for Rate of payment
for work

copying the grants and abstracts of grants and other documents pertaining to titles in Duplin County, as mentioned in section one of this act.

Commissioners to select work.

SEC. 3. That H. D. Williams, D. L. Carlton and L. A. Beasley, of Duplin County, be and they are hereby appointed commissioners to select from the office of the Secretary of State all such grants and abstracts of grants and other documents prior to the year one thousand eight hundred pertaining to the title of Duplin County as are not now recorded in the office of the Register of Deeds of Duplin County, and are directed to keep a record or index to said grants and abstracts of grants and documents, so that the Register of Deeds of Duplin County or his deputy may know which grants to copy.

Secretary of State to permit use of records.

SEC. 4. That the Secretary of State is hereby authorized and directed to permit said commissioners or any two of them to use said records for the purpose of making such selection.

Expenses of commissioners to be paid.

SEC. 5. That the said H. D. Williams, D. L. Carlton and L. A. Beasley shall be paid their actual expenses, including railroad fare, livery and board, while actually engaged in said work by the commissioners of Duplin County.

Beginning of work.

SEC. 6. That said H. D. Williams, D. L. Carlton and L. A. Beasley are hereby directed to enter upon the discharge of said duties as soon as practicable, and the Register of Deeds of Duplin County is directed to enter upon the duties of transcribing said records immediately upon the report of the commission above named.

Certified copy of index of records.

SEC. 7. That said L. A. Beasley, H. D. Williams and D. L. Carlton shall furnish the register of deeds with a certified copy of the index which they may make of the records, which he is required to copy, which certified copy the register of deeds shall record in his office, on the first pages of the record hereinafter provided for in this act for the copying of said grants, abstracts and documents.

Title of transcribed books.

SEC. 8. That the Register of Deeds of Duplin County, in making such copies, shall transcribe the same in a book or books to be known in his office as book or books of transcribed grants prior to the year one thousand eight hundred and shall be further known as "Book A and C."

Certificates to be attached to books.

SEC. 9. That when the Register of Deeds of Duplin County has completed the transcribing, as aforesaid, of said records, he shall attach to said book or books a certificate in the form following: "I, Register of Deeds of Duplin County, do hereby certify that the foregoing pages contain a true and perfect copy of grants, abstracts of grants and documents of the records in the office of the Secretary of State, as transcribed under act of the General Assembly of North Carolina at its session of one thousand nine hundred and nine, entitled 'An act to supply certain lost or destroyed records in Duplin County.'"

SEC. 10. That said book or books, when so transcribed and certified, or certified copies therefrom, shall be received as evidence in all the courts of this State. Books or copies evidence.

SEC. 11. That the Register of Deeds of Duplin County, in order to facilitate the work aforesaid, is authorized in his discretion to appoint a deputy for the purpose of transcribing said records, which deputy shall reside in or out of Duplin County. Appointment of deputy.

SEC. 12. That the commissioners of Duplin County shall pay for said work as provided in this act. County commissioners to pay for work.

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 and effect from and after its ratification.

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 158.

AN ACT RELATIVE TO THE SUPERIOR COURTS OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six, chapter twenty-eight, Revisal of one thousand nine hundred and five, subsection "Fourth District," be amended as follows: In the paragraph entitled Martin County insert after the words "second Monday after the first Monday in September" the words "to continue for two weeks." Term to continue two weeks.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 159.

AN ACT TO VALIDATE CERTAIN PROBATES OF G. L. LIVERMAN, FORMER CLERK OF THE SUPERIOR COURT OF TYRRELL COUNTY.

Whereas G. L. Liverman, former Clerk of the Superior Court of Tyrrell County, did, while he was Clerk of the Superior Court of Tyrrell County, take the acknowledgment, private examination and probate of certain mortgages and other instruments executed Preamble.

to him to secure the payment of funds by him invested as clerk of said Superior Court and as receiver for certain minors: now, therefore,

The General Assembly of North Carolina do enact:

Proceedings
validated.

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

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

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 160.

AN ACT FOR THE PROTECTION OF QUAIL IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Killing quail or
partridge for two
years forbidden.

SECTION 1. That it shall be unlawful for any person or persons to kill or catch quail or partridges in Alexander County for two years.

Misdemeanor.
Punishment.

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

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 16th day of February, A. D. 1909.

CHAPTER 161.

AN ACT TO REPEAL CHAPTER 560, PUBLIC LAWS OF 1903, AND CHAPTER 288, PUBLIC LAWS OF 1905.

The General Assembly of North Carolina do enact:

Fishing in Stony
creek.

SECTION 1. That chapter five hundred and sixty of the Public Laws of one thousand nine hundred and three and chapter two hundred and eighty-eight of the Public Laws of one thousand nine hundred and five be and the same are hereby repealed.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 162.

AN ACT RELATIVE TO THE GAME LAW IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and eighty-four of the Revisal of one thousand nine hundred and five be amended by striking out the word "Clay." in line fifteen thereof. Close season for quail.

SEC. 2. That any nonresident of Clay County who desires to hunt birds or animals in Clay County shall make application to the clerk of the Superior Court of said county, who shall issue such license upon the payment of a tax of ten dollars and the clerk's fee. The license shall expire on the termination of the hunting season, as fixed for said county. The license shall be of such form as the Audubon Society of North Carolina may prescribe, and shall entitle the owner to hunt anywhere in said county, except upon private property, which he shall not do without the written consent of the owner. The license may be revoked by the Audubon Society upon the proof that the holder has hunted in violation of the law. No license shall be granted to any person whose license has been revoked for a period of one year thereafter. Such license shall not authorize the owner to hunt in said county at any time or in any manner other than is provided for by law for hunting in said county: *Provided*, that any nonresident of the State of North Carolina who holds a license to hunt, issued by any clerk of the Superior Court of any county in this State, shall be allowed to hunt in Clay County, notwithstanding the provisions of this act. License to non-residents.
Form of license.
Revocation of license.
Proviso: license from other counties.

SEC. 3. The clerk of the Superior Court shall issue hunter's license, as provided for by law, and shall keep in a bound book a record of each license issued, and shall make a report on the first day of December of each year and at the close of the hunting season for said county to the Audubon Society, on the forms provided by said society, and shall at the same time transmit all funds received for such license to the Treasurer of the State. Record and report of licenses.
Funds transmitted.

SEC. 4. If any nonresident of the said county shall hunt in said county without license, as required by law, or shall hunt upon the lands of another without his written consent, or shall fail to carry his license with him in hunting, or shall fail upon demand to exhibit it to any game warden or police officer, he shall be guilty of a misdemeanor. Each day's hunting without license shall be a separate offense. Acts made misdemeanors.
Separate offenses.

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

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 163.

AN ACT TO PROTECT SQUIRRELS IN WHITE OAK TOWNSHIP, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

- Close season. SECTION 1. That it shall be unlawful to shoot, trap or kill squirrels, in any manner whatever, in White Oak Township, Bladen County, between the first day of March and the first day of October of each and every year, unless said squirrels are in the act of destroying some growing crop, and then only while in the act of such destruction.
- Squirrels destroying crops.
- Misdemeanor. SEC. 2. Anyone violating this act shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, at 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 go into effect on and after its ratification. Ratified this the 16th day of February, A. D. 1909.

CHAPTER 164.

AN ACT FOR THE RELIEF OF PRISONERS AWAITING TRIAL IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

- Prisoners put to work on personal application. SECTION 1. Whenever any person is confined in jail, awaiting trial on default of bail, for a bailable offense, for which the punishment, if convicted, shall not be more than ten years in the penitentiary, he may, upon his own application, and not otherwise, to the board of county commissioners or to the chairman, be put to work upon the public roads or the county farm, in the same manner and under the same regulations as prisoners are so worked after conviction. Should such prisoner be convicted, the time worked prior to his conviction shall be credited upon the sentence imposed. Should such prisoner be acquitted, he shall be paid by the county out of the county treasury for the time so worked, at the rate to be fixed by the county commissioners: *Provided, however,* that prisoners thus worked upon their own application, shall not wear the convict garb or shackles. Prisoners requesting same may be returned at any time to the county jail to await their trial, and in that event the commissioners shall recommit them to said county jail.
- Work to be credited on sentence.
- Work paid for if prisoner acquitted.
- Proviso: not to wear convict garb or shackles.
- Prisoners returned for trial.
- Application of act. SEC. 2. That this act shall apply only to the counties of Bertie and Lenoir.
- SEC. 3. That this act shall take effect from and after its ratification.
- Ratified this the 16th day of February, A. D. 1909.

CHAPTER 165.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CASWELL COUNTY TO ISSUE BONDS TO PAY AND FUND ITS BONDED AND FLOATING DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying and funding the bonded and floating debt of Caswell County contracted for necessary expenses of said county the Board of Commissioners of Caswell County are hereby authorized and empowered to issue bonds to an amount not to exceed twelve thousand dollars, with coupons attached, calling for interest, payable semiannually, at a rate not to exceed five per centum per annum, said coupons to be due and payable July first and January first in each year. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be dated as of the first day of July, one thousand nine hundred and nine, and shall be due and payable at a date or dates to be fixed by the board of commissioners, not later than thirty years after date—that is to say, not later than on the first day of July, one thousand nine hundred and thirty-nine.

Bond issue authorized.

SEC. 2. That said bonds shall not be sold or exchanged at a less sum and rate than their par value.

Bonds not to be sold below par.

SEC. 3. Said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board, and shall have the seal of said county affixed thereto, and the interest coupons shall be signed by a lithographed facsimile of the signature of said chairman. The said clerk of the board shall keep a book suitable for the purpose, in which he shall keep an accurate count 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 an inspection of said book, the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to the inspection of any taxpayer in the county, and any clerk of the board, county officer or other person having custody of said book who shall refuse 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.

Authentication.

Record of bonds and coupons.

Record open for inspection. Refusal to afford inspection a misdemeanor.

Punishment.

SEC. 4. That the said bonds, at the option of the holder or holders thereof, shall be registered by the clerk of the board of county commissioners of said county, and after such registration shall be transferable only by endorsement.

Registered bonds.

SEC. 5. Any officer or employee of the said county who shall apply the proceeds of any bond or bonds issued under this act, or

Misapplication of proceeds.

- Punishment. exchange any such in any other manner or for any other purpose than is provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned not less than six months, or both, in the discretion of the court.
- Special tax. SEC. 6. That the board of county commissioners of the county of Caswell shall annually levy a special tax upon the property of the citizens of said county and upon the polls and upon such property of nonresidents which may be situated in said county and subject to taxation, to an amount sufficient to provide for the payment of the interest that may accrue upon said bonds and in like manner provide for the payment of the principal of said bonds at maturity, by creating a sinking fund for that purpose, which special tax shall not exceed fifteen (15) cents on each one hundred dollars valuation of taxable property or forty-five (45) cents on each taxable poll.
- Tax rate. SEC. 7. That whenever any of the bonds or other evidence of debt referred to in section one of this act shall be paid or exchanged they shall be burned by the chairman of the board of county commissioners, in the presence of the board.
- Bonds paid to be burned. SEC. 8. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.
- SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this the 16th day of February, A. D. 1909.

CHAPTER 166.

AN ACT TO AMEND CHAPTER 200, PUBLIC LAWS OF 1907. PROVIDING FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF SAMPSON COUNTY AND THE APPOINTMENT OF AN INSPECTOR OF HIGHWAYS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

- Special tax to redeem bonds annually. SECTION 1. That section five of chapter two hundred, Public Laws of one thousand nine hundred and seven, be amended by adding at the end of said section the following: "and the special tax may be made sufficiently large to pay off and redeem annually so many of the outstanding bonds as practicable, in the discretion of the county commissioners."
- Meetings of road commissioners. SEC. 2. That section thirteen of said act be amended as follows: In line one strike out the word "quarterly" and insert in lieu thereof "bimonthly." In lines two and three of said section strike out the words "January, April, July and October" and insert in lieu thereof "January, March, May, July, September and November."
- Dates.

SEC. 3. That the township supervisors of Sampson County shall allot annually at their regular meeting in August all the hands of their respective townships to road duty, but in such townships as have navigable streams that require working the supervisors shall allot to each of such streams a sufficient number of hands as may be required to give said stream one good working each year, and said hands so allotted shall be liable to road duty as the other hands, but due credit shall be given such river hands, and the number of days engaged on the streams shall be deducted from the number of days they are required to work on the public roads, so that all the hands in each township between the ages of eighteen and forty-five years and not exempted by law from road duty shall work six days upon the roads and streams of the county each year.

Allotment of road hands.
Navigable streams.

Limit of road duty.

SEC. 4. That the Road Commission of Sampson County shall, at their next regular meeting in March, one thousand nine hundred and nine, or as soon thereafter as practicable, elect an inspector of highways for Sampson County, and shall also fix his salary and outline his duties, and such officer shall hold his office for such time as the road commission may designate in his appointment, not to exceed one year, and they shall likewise appoint his successor. He shall meet with the road commission at their meetings, or as often as practicable, and confer with them as to the best methods of constructing and maintaining good roads in Sampson County. He shall also confer with the various township supervisors and the various road overseers as much as practicable, and to that end he may arrange his schedule of dates for the working of the roads so as to be present on those dates with the overseer and aid and demonstrate in the actual working of the roads. The inspector of highways shall have general direction and supervision over the overseers and road hands and the plan and methods by which the roads are worked by them, and the overseer shall follow his directions, and any overseer who shall fail and refuse to carry out the orders and directions of the inspector of highways shall be guilty of a misdemeanor for neglected duty, and upon conviction shall be fined or imprisoned in the discretion of the court. It shall be the duty of the inspector of highways to report to the solicitor of the district all neglected duty on the part of the township supervisors or the road overseers, to the end that their conduct may be investigated according to law. In addition to the above duties, the road commission may impose such specific duties upon the inspector of highways as may be necessary to insure and maintain good roads in Sampson County.

Inspector of highways.

Salary and duties.
Term.

Duties of inspector.

Powers of inspector.

Overseers to follow directions.
Misdemeanor.

Punishment.

Inspector to report to solicitor.

Additional duties.

SEC. 5. That the road overseers in Sampson County shall have the power and authority, when summoning the hands of his section to work on the roads, to designate what tool or implement he shall bring, and the overseer may also require such hands as own or have in their control a cart or plow and either a horse, mule or ox to bring one or both to aid in road construction under the

Tools to be furnished by road hands.

Carts, plows and teams.

Proviso: credit for direction of the overseer: *Provided*, when any such hand shall teams,

furnish a team and plow, or team and cart, or mule or horse and harness for the drag, he shall be credited with two days' work.

Failure to attend and work a misdemeanor.

Any hand, after being duly summoned to bring such tool or team or implement, as aforesaid, and shall fail or refuse to do so, without just cause, shall be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not exceeding ten days: *Provided*, that any such person so summoned to bring such team, or team and plow, or cart, who shall by twelve o'clock of the day preceding the one appointed for work on the road pay the overseer the sum of two dollars shall be relieved of working on the road for two days, which money shall be used by the overseer in road construction on his section.

Punishment.

Proviso: commutation.

Amount of road duty.

SEC. 6. That the road hands shall work on the roads under the direction of the overseer not less than eight nor more than ten hours each day, and for not less than six days in each year, and any board of supervisors or road overseer who shall fail to keep the public roads under their charge in good condition, or shall fail to keep the public roads made by the convict force in as good condition as when completed by them, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Failure to keep up roads a misdemeanor.

Punishment.

Application and effect of act.

SEC. 7. That this act shall apply only to Sampson County, and shall not change, modify or repeal the general public road law now in existence, except in so far as the same is affected by the provisions of this act.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 167.

AN ACT TO AMEND CHAPTER 805 OF THE PUBLIC LAWS OF 1907, SO AS TO EXTEND THE TIME FOR REGISTERING GRANTS.

The General Assembly of North Carolina do enact:

Time for registration extended.

SECTION 1. That section one of chapter eight hundred and five of the Public Laws of one thousand nine hundred and seven be amended by striking out the word "eight," in line four of said section, and inserting in lieu thereof the word "ten."

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 168.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HYDE COUNTY TO ISSUE BONDS AND LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building an addition to the Purposes of issue, courthouse and constructing therein fireproof vaults for the safe-keeping of the county records, and for the further purpose of repairing and improving the county jail and the public roads and bridges of the county, and for paying off such indebtedness as is now outstanding against the county or may hereafter be incurred by reason of the improvement herein mentioned, the Board of Commissioners of Hyde County are hereby authorized and empowered to issue bonds for an amount not to exceed five thousand dollars, in denominations of not less than one hundred dollars and not more than one thousand dollars each, bearing interest not to exceed six per cent per annum on the principal of each bond, said interest to be due and payable annually from the date of issuing said bonds.

Bond issue authorized.
Amount.
Denominations.
Interest.

SEC. 2. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Said register of deeds shall keep a suitable book, in which he shall keep an account of each bond issued, to whom issued and the number of each bond, and he shall keep an accurate account of all the interests paid and an account of the bonds when they are paid. Said book shall be open to the examination of any taxpayer of said county, and should said register of deeds fail to so keep said book he shall be guilty of a misdemeanor.

Authentication.
Record of bonds.
Book open to inspection.
Failure a misdemeanor.

SEC. 3. The said bonds shall be numbered one, two, three and so on, as they are issued, and bond Number One shall be due and paid two years from date of same, bond Number Two 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 numbered.
Maturity.

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. Said special tax shall be collected as other taxes are, and paid over to county treasurer, who shall keep a separate account of same, and shall pay said interest and bonds as they become due and on presentation of the same at his office, and said special tax shall be applied only as set forth in this act.

Special tax.
Collection and payment of tax.
Payment of interest and bonds.

SEC. 5. That said bonds shall not be sold for less than their par value.

Bonds not sold below par.

Reports of
payments.

SEC. 6. 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.

SEC. 7. This act shall be in force from and after its ratification.
Ratified this the 16th day of February, A. D. 1909.

CHAPTER 169.

AN ACT TO IMPROVE THE HIGHWAYS OF MANNING'S TOWNSHIP, NASH COUNTY.

The General Assembly of North Carolina do enact:

Purpose of tax.

SECTION 1. That in order to provide for the proper construction, improvement and maintenance of the public roads of Manning's Township, county of Nash, the board of county commissioners of the said county, at its regular annual meeting in June, one thousand nine hundred and nine, and at each regular annual meeting thereafter, is authorized and it is made the duty of said board to levy a tax upon all property subject to taxation, under the State law, in Manning's Township, in said county, of not less than ten (10) cents and not more than thirty (30) cents on one hundred dollars' worth of property, and not less than thirty (30) cents nor more than ninety (90) cents on the poll.

Levy of tax
commanded.

Rate.

Tax lists.

SEC. 2. That the Board of County Commissioners of Nash County is hereby directed and required annually to cause to be made out a full and complete list, in accordance with section one of this act, to be placed in a separate column on the regular tax books of the county of Nash for Manning's Township, to be turned over to the sheriff of said county of Nash for collection, as required by law, and the sheriff aforesaid is required to collect said tax and account for the same, under the same rules and laws and penalties as he is required to collect and account for State and county taxes, and he shall receive the same compensation therefor; that the said sheriff and his bond shall be liable for the said taxes in like manner as he is liable and responsible for State and county taxes.

Collection and
settlement of tax.

Compensation of
sheriff.
Sheriff liable on
bond.

Sheriff to account
to treasurer of
road fund.

SEC. 3. That the sheriff aforesaid shall account to the treasurer of Manning's Township road fund, to be elected by the Manning's Township road supervisors, hereafter appointed, in like manner as he accounts to the Treasurer of Nash County for State and county taxes by him collected.

Duties of treas-
urer of road fund.

SEC. 4. That the treasurer of Manning's Township road fund shall receive and hold said taxes and give his receipt to the sheriff aforesaid for the same, and he is required to keep and

account for his receipts and disbursements in a book kept for this purpose, which book shall at all times be kept open for the inspection of the aforesaid supervisors; that the said treasurer may receive in compensation for said work a commission of not more than three per cent (3%) on the disbursements, to be fixed by the Manning's Township road supervisors, at the time of his annual settlement with the supervisors at their regular meeting in June of each year.

Compensation of treasurer.

SEC. 5. That Geraldus Rice, John C. Matthews, W. M. Warren, A. F. May, W. H. Taylor and W. J. May are hereby appointed supervisors of public roads of Manning's Township, Nash County, and shall be known as the "Manning's Township Road Supervisors," and shall hold office as follows: the first two, until the first Monday in December, one thousand nine hundred and ten; the second two, until the first Monday in December, one thousand nine hundred and twelve, and the third or last two, until the first Monday in December, one thousand nine hundred and fourteen; and each and all shall continue in office until the election and qualification of his or their successors. The successors of the first two shall be elected as other township officers are elected at the regular election for State and county officers in one thousand nine hundred and ten, and shall qualify on the first Monday of December next after the election, or in fifteen (15) days thereafter, and the others in the order mentioned above, every two years thereafter; that the said board of supervisors and their successors in office shall, before entering upon the duty of their office, take and subscribe an oath for their faithful performance of duty; that all vacancies, by death, resignation and other cause, except expiration of term, shall be filled by the board for the unexpired term.

Supervisors named.

Term of office.

Election of successors.

Supervisors to be sworn.

Vacancies.

SEC. 6. That the Manning's Township road supervisors shall, at the first meeting after the ratification of this act, elect one of their number chairman of the said board and one of their number clerk, who shall hold office until June, one thousand nine hundred and ten, or until their successors are elected, and then every two years thereafter they shall elect a chairman and a clerk. At the same time they shall elect one of their number or some other suitable person as treasurer, who shall be known as "Treasurer of Manning's Township Road Fund," who shall hold office until his successor is elected and qualified, and his successor shall be elected thereafter at the same time as the chairman and clerk; that the clerk may receive such sum as compensation for services rendered as the board may think right. The treasurer shall enter into a bond in the sum of one thousand dollars, and also take and subscribe an oath faithfully to discharge and perform the duties of his office.

Organization.

Term of office.

Election of treasurer.

Compensation of clerk.

Treasurer to give bond and take oath.

Duties of clerk.	SEC. 7. That the clerk of said board shall be required to keep an account of the business of said board, when in session or sessions, and also to keep an account of the machinery, teams, tools and all other property bought or otherwise belonging to the said township, and shall issue his orders on the Manning's Township treasurer for all accounts, of whatever kind, approved by the board and signed by the chairman, and said clerk shall keep on the stub of his order, so issued, what it is for and to whom issued, and shall also enter same upon his minutes.
Orders on treasurer.	
Superintendent of roads.	SEC. 8. That the Manning's Township road supervisors may elect a superintendent of roads, who, after receipting to the clerk for all machinery and other tools, wagons, carts, teams, etc., shall have charge and management of hands, labor, teams, tools of every kind, machinery, etc., used on the said roads, subject, however, to the supervision of the supervisors of said roads; that said superintendent shall give a bond in such sum as required by the road supervisors, which bond, with the bond of the treasurer, shall be filed with the register of deeds and recorded in the Nash County registry, and said register shall receive from the Manning's Township road fund such sum as allowed by law in recording other bonds. The said superintendent, before entering upon the duties of his office, shall take and subscribe an oath before a magistrate of said township for the faithful discharge of his duties as required by this act. The superintendent shall receive such salary as may be fixed by the Manning's Township road supervisors. It shall be the further duty of the superintendent to keep a register, in which he shall record each day an itemized statement of the number of persons working on the said roads, the number of hours' work performed by each, and the amount paid each person, together with a list of all tools, implements, carts, wagons, machinery or other apparatus received, or the disposition of same. But if said Manning's Township road supervisors think best, they may, instead of electing a superintendent, have the roads worked by contract, letting out said road to different parties, and may furnish to said parties or contractors such tools, carts, scrapes, etc., as they have, and may whenever they think proper require of said contractors bond for the faithful performance of their contracts, and when they have a general superintendent they may work hired labor or convict labor, as they deem best.
Powers.	
Bond of superintendent.	
Superintendent to be sworn.	
Salary of superintendent. Records kept by superintendent.	
Roads may be let to contract.	
Hired labor or convict labor.	
Purchase of materials and machinery.	SEC. 9. That the Manning's Township road supervisors are hereby invested with the full power and authorized to purchase such material, apparatus, implements and machinery, such as shovels, picks, road scrapes, rollers, plows and all other necessary material, tools or machinery as in their discretion are to the advantage and necessary for the work of the said roads, as well as to purchase such horses, mules or other teams and to employ such labor as may be necessary to carry on said work, and to pay for the same out of the Manning's Township road fund.
Employment of labor.	

SEC. 10. That the Manning's Township road supervisors be and are hereby authorized and empowered to discontinue and create new roads, to widen any of the public roads of Manning's Township, wherever and whenever in their opinion wider roads are the better for keeping up said roads, not to exceed twenty-four (24) feet nor less than twenty (20) feet, and, when it can be done, an equal amount shall be taken from each side of said road. They shall also have the right to enter upon adjacent lands not in cultivation at that time, and take therefrom gravel, dirt or rock and timber and material for the purpose of working said roads, shade, grove and fruit trees excepted. Any person so aggrieved may present their claims to the Manning's Township road supervisors, and if they cannot agree upon the damage done, then it may be left to two disinterested parties, and if they fail to agree they may call in the third man, and if either party dissents from the said decision they may take the legal processes of law to settle the same.

Powers of supervisors as to creation, discontinuance or change of roads.

Entry on land for materials.

Arbitration for assessment of damages.

SEC. 11. That if at any time the Manning's Township road supervisors are having the roads worked by convict labor, then the Mayor of Spring Hope and justices of the peace of Manning's Township are hereby authorized and empowered in their discretion to sentence parties convicted in their respective courts, wherein they have jurisdiction, to work on the public roads of Manning's Township for a period not over thirty (30) days, and the supervisors of Manning's Township shall order the cost paid in each case out of the township road fund, but no convict, under this act, shall be required to wear stripes.

Persons sentenced to work on roads.

SEC. 12. That it shall be unlawful for any person to block or fill up any ditch or waterway by the side or across any public road in Manning's Township by turning water from hillside ditches into said roads, without necessary arrangements to carry off said water without injury to roads, plowing into, in felling trees into or dumping trash or rubbish or underbrush into any such ditches or waterways, or in anyway interfering with or preventing the free, uninterrupted flow of water down or through any such ditches or waterways. Any such person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty (30) days, or sentenced to the roads, under section eleven of this act.

Unlawful to obstruct ditch or waterway.

Misdemeanor.
Punishment.

SEC. 13. That if the poll tax of section one of this act is not collected, then in that event all persons between the ages of twenty-one years and forty-five years not living in Spring Hope and subject to work the roads under the State law, as it now exists, shall be required, under an overseer appointed by the Manning's Township road supervisors, as hereinbefore mentioned, to work on the public roads of Manning's Township four days in each year, dating from June first, one thousand nine hundred and nine: *Provided*, anyone so subject to the roads may quarterly pay to the clerk of

Road duty.

Proviso: commutation.

Proviso: exemption if poll tax collected.

Punishment for failure to work.

Power to borrow money.

Streets of towns.

the road supervisors or to the overseer of the road the sum of one dollar, shall be excused from working on roads: *Provided, however,* that if poll tax is collected, then all persons referred to above shall be exempt from free working of public roads from and after June first, one thousand nine hundred and nine; and any person, after having three days' notice in the same manner as hands are ordered to work public roads under the State law, and shall fail to do so or pay the dollar, shall be punished according to the State law for the same offense.

SEC. 14. That said Manning's Township road supervisors are hereby authorized and empowered that whenever it is necessary to carry on the work in the summer and fall seasons, they may borrow such sums of money, not exceeding seventy-five per cent of the tax for that year, and shall pay the same out of next tax collected.

SEC. 15. That no part of the tax collected under this act shall be spent on the streets of any incorporated town, or otherwise affect them in their present manner of working their streets.

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

SEC. 17. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 170.

AN ACT TO REGULATE HUNTING IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Hunting on lands of others.

SECTION 1. That it shall be unlawful for any person or persons, with gun or dog, to hunt upon any lands of another in Pender County without first having received written permission to do so from the owner of said lands.

Misdemeanor.
Punishment.

SEC. 2. That a violation of this act shall constitute a misdemeanor, and the offender upon conviction shall be fined not less than five dollars nor more than ten dollars or imprisoned not more than ten days.

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

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 171.

AN ACT TO AMEND SECTION 1506 OF THE REVISAL OF 1905,
RELATIVE TO THE TIME OF HOLDING COURTS IN TYR-
RELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight of the Revisal of one thousand nine hundred and five, section one thousand five hundred and six, title "First District," in regard to the courts in Tyrrell County, be amended to read as follows: "Tyrrell County—Eighth Tuesday after the first Monday in March; ninth Tuesday after the first Monday in September." Beginning of terms.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 172.

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

SECTION 1. That Hugh Humphrey be and he is hereby appointed a justice of the peace in Goldsboro Township, Wayne County; that W. D. Herring be and he is hereby appointed a justice of the peace in New Hope Township, Wayne County; that J. L. Williamson be and he is hereby appointed a justice of the peace in Brogden Township, Wayne County. Goldsboro township.
New Hope township.
Brogden township.

SEC. 2. Their terms of office shall be for four years, said terms to begin upon the ratification of this act, and they shall have thirty days within which time to qualify. Term of office.
Time for qualification.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 173.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CAS-
WELL COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Caswell County are hereby authorized and empowered to levy a special tax in the years one thousand nine hundred and nine and one thou- Special tax authorized. Years.

Rate.	sand nine hundred and ten, not to exceed thirty-five cents on every one hundred dollars' worth of taxable property in said county and one dollar and five cents on the poll, the constitutional equation
Purpose.	to be observed in said levies, the said special tax being for the purpose of meeting the ordinary expenses of the county.
Levy and collection of tax.	SEC. 2. That said special tax be levied at the same time with the other levies in said years, and collected and accounted for by the sheriff or other tax collector of said county, under the same penalties and within the time that the other taxes levied for said county are collected.
	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this the 16th day of February, A. D. 1909.

CHAPTER 174.

AN ACT REGULATING THE HUNTING OF FOXES IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Close season.	SECTION 1. That it shall be unlawful for any person to hunt foxes, with gun or dogs, or trap or carry out of the State any fox between the first day of February and the first day of October of each year.
Misdemeanor. Punishment.	SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days.
Application of act.	SEC. 3. That this act shall only apply to Chatham County. SEC. 4. This act shall be in force from and after its ratification. Ratified this the 16th day of February, A. D. 1909.

CHAPTER 175.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF ERECTING BRIDGES IN SAID COUNTY AND FOR THE PAYMENT OF THE INDEBTEDNESS AGAINST SAID COUNTY.

The General Assembly of North Carolina do enact:

Purposes of issue.	SECTION 1. That in order to provide funds for the building of bridges in Moore County and the payment of indebtedness against said county for bridges already built and contracted to be built, and
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for the purpose of the payment of the outstanding indebtedness against said county contracted for the necessary expenses, and for the purpose of paying the indebtedness of said county that may be contracted during the year one thousand nine hundred and nine for necessary expenses of said county, the Board of Commissioners of Moore County is hereby authorized and empowered to issue and sell coupon bonds of the said county to an amount not exceeding twenty thousand dollars (\$20,000) in denominations of not less than five hundred nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent per annum, and payable annually on the first day of January of each year until said bonds are paid, both principal and interest payable at the office of the Treasurer of Moore County, one thousand dollars of said issue to mature on the first day of January, one thousand nine hundred and fourteen, and one thousand dollars on the first day of January in each year thereafter, the date of said bonds to be fixed by the board of commissioners of said county. The said bonds shall be signed by the chairman of the board of commissioners of said county and shall be countersigned by the clerk of said board, and shall have affixed thereto the seal of the office of the register of deeds of said county. The said bonds shall be numbered consecutively, and the interest coupons attached shall be identified by numbers corresponding to the bond to which they are attached, and shall have such other evidences of identity as said board of commissioners may prescribe, and shall be signed by the chairman of said board of commissioners or shall have his lithographed signature thereon: *Provided*, that the said board of commissioners shall have power to reduce the number and amount of the bonds provided for in this act, and may issue and sell portions of the bonds herein authorized at different times, not to exceed the amount herein authorized, in their discretion.

SEC. 2. No bond issued under the provisions of this act shall be sold or otherwise disposed of for less than its par value.

SEC. 3. The said clerk of the board of commissioners shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and the name of the person to whom sold. He shall also keep an accurate account of the coupons and bonds which shall be paid, taken up or otherwise canceled, so by an inspection of said book the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to any taxpayer in the county.

SEC. 4. That the said bonds, at the option of the holder or holders thereof, shall be registered by the clerk of the board of county commissioners of said county, and after such registration shall be transferable only by indorsement.

Advertisement for bids.	SEC. 5. That before disposing of said bonds or any part thereof provided for in this act, the said Board of Commissioners of Moore County shall, by public notice, to be printed in some financial newspaper for thirty days and in such other way as in their discretion may be determined upon, invite bids therefor. Said bids may be for the whole amount of said issue or any part thereof, and shall be sealed and deposited with the chairman of the board of county commissioners and by him safely kept, unopened, until the date
Bids.	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 said purchasers or any one of them as many
Opening of bids.	of the bonds as they may then desire to dispose of: <i>Provided, however</i> , that the said board of commissioners may reject any or all of said bids, in their discretion.
Proviso: power to reject bids.	
Specific appropriation.	SEC. 6. 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; that the proceeds arising from the sale of said bonds shall be paid to the treasurer of the county of Moore, and his official bond shall be liable for any misappropriation thereof; and the board of commissioners shall cause said treasurer of said county to open and keep separate accounts of said funds; that the said treasurer shall be entitled to one per cent of the amount of said funds legally disbursed by him, but shall not be allowed anything for the collection and receipt of said funds.
Commission of treasurer.	
Tax for interest and sinking fund.	SEC. 7. That in order to pay the interest on said bonds as it may accrue, and provide a sinking fund to pay the principal of said bonds at maturity, the said board of commissioners of said county are hereby authorized and empowered and directed to levy a special tax annually on all taxable property and taxable polls in the county of Moore of not exceeding five cents on every one hundred dollars' (\$100) worth of taxable property and fifteen cents on each
Rate.	taxable poll in said county. The said taxes shall be levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State, and said tax shall be collected by the officers of said county charged with the collection of other county taxes, who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed or which may herein be prescribed for the faithful collection and the payment of other taxes.
Levy and collection of tax.	
Purchase of bonds.	SEC. 8. That said board of commissioners shall have power and authority, at any time after the maturity of the first bond herein authorized, in case such agreement can be made with the holder of said bonds, to purchase and redeem any of the outstanding bonds

against said county authorized and issued under the provisions of this act, at a price not exceeding the amount for which said bonds were sold, with accrued interest due thereon to the date of said repurchase or redemption.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 176.

AN ACT RELATIVE TO THE PROPERTY OF INSANE PEOPLE DISCHARGED FROM THE INSANE ASYLUMS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who may have been declared of unsound mind and memory, under section one thousand eight hundred and ninety-one, Revisal of one thousand nine hundred and five, and acts amendatory thereof, and a guardian for said person appointed, may be fully restored to his rights to manage his or her property by a certificate from the superintendent of such hospital where such person of unsound mind and memory may have been confined stating that such insane person has been restored to sound mind and memory.

SEC. 2. Such certificate shall be sworn to and subscribed before the clerk of the Superior Court or notary public for the county in which the hospital wherein such person of unsound mind and memory has been confined is located, and certified under the seal of said court to the clerk of the Superior Court of the county wherein said person of unsound mind and memory has his legal residence, immediately before being declared of unsound mind and memory.

SEC. 3. That the clerk of such resident county shall record such certificate and immediately issue a notice to the guardian of such person, requiring him to file his final account within sixty days from the date of service of said notice; that from the date of docketing the record of such certificate the person formerly of unsound mind and memory shall be restored to all his legal rights.

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

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

Ratified this the 16th day of February, A. D. 1909.

Certificate from
superintendent
of hospital.

Certificate sworn
and subscribed.

Certified to county
of residence.

Certificate to be
recorded.
Notice to guardian
for final account.

Person restored
to legal rights.

CHAPTER 177.

AN ACT TO AMEND SECTION 1409 OF THE REVISAL OF 1905, RELATING TO THE ELECTION OF JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

Election in
Forsyth county.

SECTION 1. That section one thousand four hundred and nine of the Revisal of one thousand nine hundred and five be amended by striking out the word "Forsyth," in the fourth line of said section.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 178.

AN ACT TO AMEND SECTIONS 1661 AND 1662, CHAPTER 35 OF THE REVISAL, IN REFERENCE TO FENCES IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Four and one-half
foot fence.

SECTION 1. That section one thousand six hundred and sixty-one, chapter thirty-five of the Revisal of one thousand nine hundred and five, be amended by striking out the word "Northampton," in line five thereof.

Four-foot fence.

SEC. 2. That section one thousand six hundred and sixty-two, chapter thirty-five of the Revisal of one thousand nine hundred and five, be amended by striking out the word "and," in line three, between the words "Madison" and "McDowell," and adding the words "and Northampton" at the end of said section, after the word "McDowell."

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 179.

AN ACT TO PAY JURORS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That all jurors who are summoned and who serve on the jury in the Superior Courts of Stokes County shall receive two dollars per day for their services and five cents per mile each way, and all tales jurors who serve shall receive one dollar and fifty cents per day and no mileage; and all jurors summoned in capital

Tales jurors.

cases and who serve as special venire shall receive two dollars per day for their services and five cents per mile each way, and those who were summoned and do not serve shall receive one dollar each per day and no mileage. Special venire-men.
Application of act.

SEC. 2. This act shall apply only to Stokes County.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 180.

AN ACT RELATIVE TO THE ROAD LAW OF THOMASVILLE TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

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

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 181.

AN ACT TO PROTECT SQUIRRELS IN CENTRAL AND ELIZABETHTOWN TOWNSHIPS, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. No person shall hunt, kill or shoot any squirrel between the first day of March and the first day of November in each year, and any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Close season.
Misdemeanor.
Punishment.

SEC. 2. *Provided*, that this act shall only apply to Central and Elizabethtown townships, in Bladen County.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 182.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LINCOLN COUNTY TO SELL THE PRESENT LANDS AND HOME OF THE AGED AND INFIRM AND TO BUY OTHER PROPERTY IN THE COUNTY OF LINCOLN UPON WHICH TO ERECT A NEW HOME FOR AGED AND INFIRM, AND TO ISSUE BONDS FOR SAID PURPOSE.

The General Assembly of North Carolina do enact:

Power to sell, purchase and build.

SECTION 1. That the Board of Commissioners of Lincoln County be and they are hereby authorized and empowered, in their discretion, if they deem it advisable, at any of their regular monthly meetings in any year or at a special meeting called for that purpose, to sell the present home and land of the aged and infirm now owned by Lincoln County or any part of said land or buildings, or both, and buy other property anywhere in the county of Lincoln, and erect thereon a new home for the aged and infirm: *Provided, however,* the money arising from the sale of said land, the present home of the aged and infirm, either buildings or land, or both, shall be expended by said commissioners in purchasing another lot or tract of land and erecting thereon a home for the aged and infirm.

Proviso: proceeds of sale expended on new home.

Sale public or private for cash or credit.

SEC. 2. That the present land and home of the aged and infirm shall be sold by the commissioners for cash or on credit of six or twelve months, or part cash and balance in six and twelve months, title being reserved until payment of the purchase money in full, and said sale shall be made either publicly or privately, and if sold publicly, then after thirty days' advertisement in some newspaper published in Lincoln County, therein fixing a day and time of sale, or if sold privately, then upon such price as in the sound discretion of the board of county commissioners shall appear to them as a fair and reasonable price, if said commissioners shall deem it advisable to sell said property.

Bond issue authorized.

SEC. 3. That the county commissioners of Lincoln County, for the purpose of building a home for the aged and infirm in said county and buying land upon which to erect and build the same, are authorized and empowered to issue bonds, bearing interest at a rate of not more than six per cent per annum, to the amount of not exceeding twelve thousand five hundred dollars, to each and every of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until the bonds shall become due. The bonds so issued by said commissioners shall be numbered from one to twenty-five, consecutively, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the interest which they represent and

Interest.
Amount.

Bonds to be numbered.

when the interest is due, and shall be for a period not exceeding Maturity. ten years from their issue.

SEC. 4. That said bonds shall be issued under the signature of Authentication. the chairman of the board of county commissioners and countersigned by the register of deeds of said county or clerk of the said board of county commissioners and attested by the official seal of said county; and the said chairman of said board of county com- Sale of bonds.

missioners shall, under the direction of the board of commissioners of said county, dispose of said bonds as the necessity of the prosecution of the work may require, at a sum not less than their par value, and pay the proceeds arising from the sale of said bonds to the Treasurer of Lincoln County, whose commission for receiving and disbursing the same shall in no case exceed one-half of one per cent. Said treasurer shall keep said funds separate from all other funds, and shall pay out the same only upon the order of the chairman of the board of commissioners for said county. Every such order or orders shall state upon its face that it is for the home of the aged and infirm: *Provided*, that the bonds may issue and be sold only as the work progresses; and *Provided further*, Specific appropriation. that the issue and sale of said bonds shall cease at the discretion of the board of county commissioners. Proviso: bonds sold as needed. Issue to cease.

SEC. 5. That for the purpose of paying the interest as it falls due on said bonds, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of said county commissioners to levy and cause to be collected annually as other county taxes are levied and collected a tax upon the real and personal property of said county, not exceeding fifteen cents on the one hundred dollars' worth of property and forty-five cents on the poll, for each and every year, until said bond issue has been fully paid and discharged. Tax for interest and sinking fund.

SEC. 6. That in order that the commissioners of Lincoln County may use the excess funds raised by taxation under this act, after paying annually interest accrued on said bonds, they are authorized and empowered to purchase annually one-tenth of said bonds; and in case no one shall offer to sell one-tenth of said bonds, issued at a sum not exceeding their par value, then the said commissioners are authorized to designate said bonds, not exceeding one-tenth of the whole number issued, as they may desire to purchase, and after the designation of said bonds and a notice thereof, given through a newspaper published in Lincoln County, if the holder or holders of said bond or bonds shall refuse to surrender the same and receive the par value, with interest accrued at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act only when said conditions are expressed upon the face of the bonds. Bonds subject to call. Proviso: conditions to be expressed on bonds.

Record of bonds.

SEC. 7. That the commissioners of said county shall provide a record, which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually; and the bonds, when redeemed and recorded, shall be canceled, in the presence of the board of county commissioners, by some one of their number or by their clerk, under their direction.

Sale at discretion of county commissioners.

SEC. 8. That if said commissioners shall deem it inadvisable and not for the best interests of Lincoln County to sell the property or buildings, or both, mentioned in section one of this act, and buy other property upon which to erect a home for the aged and infirm, then they may in their discretion issue bonds provided herein, or so much thereof as may be necessary to build a new home for the aged and infirm upon the lands now owned by the county, or repair the present one.

Bond issue or special tax at discretion of county commissioners.

SEC. 9. *Provided*, the said board of county commissioners may, in their discretion, if said board deem it unnecessary to issue the bonds provided in section four of this act, or any part of said bonds, and they are hereby authorized and empowered to levy annually, as other taxes are levied, a special tax of not more than twenty cents on the one hundred dollars valuation of property and sixty cents on each poll, for a period not exceeding three years, for the purpose of defraying the expenses of erecting new buildings or repairing, or both, and to purchase additional woodland for the purpose of obtaining wood and fuel, or either, or buying other property upon which to erect new buildings, and for the purpose of erecting new buildings upon said property so purchased, said taxes to be kept separate and apart from other taxes by the Treasurer of Lincoln County, and paid out only upon the order of the chairman of the said board of commissioners. Said board of county commissioners are authorized to expend not exceeding twelve thousand five hundred dollars.

Eminent domain.

SEC. 10. To carry out the purposes of this act, the said board of county commissioners is hereby invested with the power of eminent domain.

Discretion of commissioners.

SEC. 11. Nothing in this act shall be construed to compel the Board of County Commissioners of Lincoln County to purchase said land or to build a new home.

Special repealing clause.

SEC. 12. That section one thousand three hundred and eighteen, paragraph twenty-eight, of the Revisal of one thousand nine hundred and five be and the same is hereby repealed, in so far as this act applies.

SEC. 13. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 14. That this act shall be in full force and effect from and after date of ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 183.

AN ACT RELATING TO FEES OF OFFICERS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever in a criminal action or proceeding before a grand jury a true bill is not found, the county shall pay the clerks, sheriffs, constables or officers who served any process in such criminal action or proceeding one-half their lawful fees only. Half fees to officers when bill ignored.

SEC. 2. This act shall only apply to the county of Bladen. Application of act.

SEC. 3. All laws in conflict with this act are hereby repealed.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 184.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT SPECIAL POLICEMEN FOR RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any corporation engaged in the manufacture of cotton or woolen goods may apply to the Governor to commission such person or persons as said corporation may designate to act as policemen for said corporation. Application to Governor.

SEC. 2. The Governor, upon such application, may appoint such persons or so many of them as he may deem proper to be such policemen, and shall issue to such person or persons so appointed a commission to act as such policemen. Governor to make appointment.
Commission to issue.

SEC. 3. Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath. Such oath, with a copy of the commission, shall be filed with the clerk of the Superior Court of the county in which such corporation is so engaged in business, and such policemen shall severally possess within the limits of the county in which such corporation is so engaged in said business all the powers of policemen in the several towns and cities in which they shall be so authorized to act as aforesaid. Policemen to be sworn.
Oath filed.
Powers of policemen.

SEC. 4. Such policemen shall, when on duty, each wear a metallic shield, with the words "Corporation Police" and the name of the corporation for which appointed inscribed thereon, and said shield shall be worn in plain view, except when employed as a detective. Badge of policemen.

SEC. 5. Such policeman shall, before entering upon the discharge of his duties, file a good and sufficient bond, to be approved by the clerk of the Superior Court in the county for which appointed, in a sum of not less than five hundred dollars. Policemen to give bond.

Term of office.
Removal for
cause.

SEC. 6. The term of office of every person so appointed shall be two years, subject to removal by the Governor, for cause.

SEC. 7. That this act shall apply only to Rutherford County.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 185.

AN ACT TO AMEND CHAPTER 40, SECTION 1872, OF THE
REVISAL OF 1905, IN REFERENCE TO HUNTING.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and seventy-two, chapter forty of the Revisal of one thousand nine hundred and five, be amended by adding after the last word in said section, in line fifteen, the words "*Provided, however,* that the nonresident child or parent of a resident owner of land in this State shall be allowed to hunt on the lands of his parent or child as though he were a resident of this State."

Proviso: non-
resident child or
parent of resident
landowner.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 186.

AN ACT TO AMEND SECTION 3382 (a) OF CHAPTER 81 OF
THE REVISAL OF 1905, RELATIVE TO OBSTRUCTING
STREAMS IN CATAWBA COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and eighty-two (a) of chapter eighty-one, on page one thousand and one of the Revisal of one thousand nine hundred and five, be and the same is hereby amended as follows: "*Provided,* the provisions of this act shall not be construed to include sawmills run by water power in Catawba County which were erected prior to the first day of January, one thousand eight hundred and ninety-nine."

Proviso: sawmills
run by water
power.

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

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 187.

AN ACT TO CREATE A NEW TOWNSHIP IN ROBESON COUNTY BY TAKING A PART OF BRITT'S AND STERLING'S TOWNSHIPS, OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there be and there is hereby created a new town- ^{New township}
ship in the county of Robeson by taking a part of Britt's and Ster- ^{created.}
ling's townships, embraced within the following described territory,
to-wit: Beginning at a point on Lumber Liver known as the Piney ^{Boundaries.}
Island and running thence to Sandy Level; thence a direct line to
E. K. Atkinson's, on Hog Swamp; thence down Hog Swamp to
"Bird's Crossing"; thence along the public road to Will Leggett's
ginhouse; thence along the Orrum County Road to the Raleigh
and Charleston Railroad; thence a direct line to J. P. Barnes' old
homestead; thence a straight line to a point on Lumber River
known as the "Round Hole"; thence up said river to the beginning.

SEC. 2. That said new township, set out by metes and bounds ^{Orrum township.}
as given in the preceding section, shall be known as "Orrum Town-
ship," and by said name it shall do and transact any and all busi-
ness and be entitled to any and all privileges as are now allowed
by law for other townships in the said county of Robeson: *Pro-* ^{Proviso: polling}
vided, however, the voting precinct in said township shall be in the ^{place.}
town of Orrum.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 188.

AN ACT TO APPOINT FRED. C. FISHER A JUSTICE OF THE PEACE IN AND FOR THE COUNTY OF SWAIN, WITH THE RIGHT TO PRACTICE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Fred. C. Fisher be and he is hereby appointed ^{Appointment.}
a justice of the peace in and for the county of Swain, in Charleston
Township, for the term of eight years, with authority to practice ^{Term.}
law: *Provided,* he shall not practice in the appellate court in any ^{Proviso: practice}
case tried before him. ^{in appellate 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 ratifica-
tion.

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 189.

AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURT OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Terms for trial of criminal actions.

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 ninth 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 hearing of motions on the civil docket: *Provided further*, that the civil cases requiring a jury may be tried at each of said terms by a consent of the parties thereto.

Proviso: return term and motions on civil docket.
Proviso: jury trials of civil cases by consent.

Terms for trial of civil cases.

SEC. 2. That there shall be held in said county the following 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 second Monday after the first Monday in September, said term to continue for two weeks.

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 and effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 190.

AN ACT TO AMEND SECTION 1506 OF THE REVISAL OF 1905, RELATIVE TO TIME OF HOLDING CERTAIN COURTS IN THIRD DISTRICT.

The General Assembly of North Carolina do enact:

Terms abolished.

SECTION 1. Amend the subsection entitled "Third District," of section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, as it relates to the holding of courts in Carteret County, by striking out the words "Carteret County, first Monday after the first Monday in March and sixth Monday after the first Monday in September." and insert in lieu thereof the following: "Carteret County, first Monday after the first Monday in March, the second Monday after the first Monday in June and sixth Monday after the first Monday in September."

Terms established.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 191.

AN ACT RELATING TO THE MANAGEMENT AND CONTROL OF AUTOMOBILES AND OTHER VEHICLES UPON THE PUBLIC ROADS AND HIGHWAYS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons riding on bicycles, tricycles, tandem bicycles, locomobiles, automobiles, motorcycles or other motor vehicles shall, on meeting carriages or other vehicles, keep to the right, so as to leave two-thirds of the road free: *Provided, however,* that any person operating a locomobile, automobile, motorcycle or other motor vehicle on any public road or highway or in any public place in Cumberland County shall not operate the same at a rate of speed greater than is reasonable and proper, having due regard to the use in common of such public road, highway or public place, or so as to endanger the life and limb of any person: *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 six miles an hour, and that on meeting or passing carriages or vehicles on the public roads the rate of speed shall not exceed ten miles an hour; and *Provided,* that any person operating a locomobile, automobile, motorcycle or other motor vehicle on any such public road or highway or public 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, motorcycle 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 horses or other animals appear to be frightened, and he is requested so to do, the person operating such locomobile, automobile, motorcycle 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 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 by signal by putting up the hand; and *Provided,* that such locomobile, automobile, motorcycle 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 necessary times a good

Motor vehicles to leave two-thirds of road free.

Proviso: rate of speed.

Proviso: rate on sharp curves.

Meeting or passing vehicles.

Proviso: to stop on signal.

Motor to cease running.

Proviso: lamps.

Brakes and bells.

Acts declared misdemeanors.	and sufficient brake and a suitable bell, horn or other signal; and no person shall, through mischief or without reasonable excuse or cause, request any person or persons operating a locomobile, automobile, motorcycle or other motor vehicle or signal him by putting up the hand to stop. If any person purposely violates 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.
Punishment.	
Number attached.	SEC. 2. It shall be the duty of the owner or other person operating a locomobile or automobile in the county of Cumberland to attach to the front and on the rear of any such locomobile or automobile or other vehicle the number of such machine in plain figures, so as to be easily read, with a metal plate attached to or suspended from said vehicle or machine, and to register the number of said machine with the clerk of the Superior Court of said county, in a book kept by him for that purpose, with the name of the owner set opposite such number, for which the owner shall pay to the clerk a fee of one dollar.
Number to be registered.	
Fee of clerk.	
Regulations by cities and towns.	SEC. 3. Nothing in this act shall be construed to prevent any incorporated city or town in said county making such ordinances as it may deem proper to regulate the running of locomobiles, automobiles and other vehicles mentioned herein within the incorporated limits thereof.
	SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.
	SEC. 5. That this act shall be in force from and after its ratification.
	Ratified this the 17th day of February, A. D. 1909.

CHAPTER 192.

AN ACT TO FIX THE TIME FOR HOLDING THE TERMS OF THE SUPERIOR COURT OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be amended by striking out all after the words "Robeson County," on page four hundred and forty-nine, and before the words "Bladen County," on page four hundred and fifty, and inserting in lieu thereof the following: "the fourth Monday before the first Monday in March and

the ninth Monday before the first Monday in September, each to continue for two weeks, for the trial of criminal cases exclusively; the first Monday after the first Monday in September, to continue for one week, for the trial of criminal cases exclusively; the ninth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases exclusively; the fourth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; the eleventh Monday after the first Monday in March and the fifteenth Monday after the first Monday in March, each to continue for one week, for the trial of civil cases exclusively; the fourth Monday after the first Monday in September and the thirteenth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively."

Terms for trial of criminal cases.

Terms for trial of civil cases.

SEC. 2. That so much of chapter five hundred and sixteen, Public Laws of North Carolina, session of one thousand nine hundred and seven, as is in conflict with this act, be and the same is hereby repealed.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 17th day of February, A. D. 1909.

CHAPTER 193.

AN ACT FOR RELIEF OF ABNER NASH, EX-REGISTER OF DEEDS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Robeson County, North Carolina, is hereby authorized and instructed to pay to Abner Nash, ex-Register of Deeds of Robeson County, the sum of two (2) cents per name of each taxpayer whose name is on the tax books of Robeson County for the year one thousand nine hundred and eight, for calculating and copying on said tax books the amount of special tax levied upon each taxpayer for public-road purposes for the year one thousand nine hundred and eight.

Allowance for calculating and copying special road tax.

SEC. 2. That said amount shall be paid out of the road fund of Robeson County, and that the county treasurer charge each township road fund its proportional part of said amount, and the receipts for the same, executed by the said Abner Nash, shall be adequate vouchers for the county treasurer on the final settlement of his accounts with the proper authorities.

Amount paid from road fund. Vouchers.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 194.

AN ACT TO AMEND CHAPTER 65, SECTION 2712, OF THE
REVISAL OF 1905, RELATING TO PUBLIC ROADS.*The General Assembly of North Carolina do enact:*Meetings of road
supervisors.

SECTION 1. That section two thousand seven hundred and twelve, chapter sixty-five of the Revisal of one thousand nine hundred and five, be amended as follows: Strike out the word "February," in lines four and nine, and insert the word "April" in place thereof, and strike out the word "August," in lines five and seven, and insert in place thereof the word "October."

Application of act.

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

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 195.

AN ACT TO AMEND SECTION 2727 OF THE REVISAL OF
1905, REGULATING THE USE OF TRACTION ENGINES AND
ROAD STEAMERS ON THE PUBLIC ROADS OF RANDOLPH
COUNTY.*The General Assembly of North Carolina do enact:*

Proviso: use of
planks to protect
bridges and
culverts.

SECTION 1. That section two thousand seven hundred and twenty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end thereof the following: "*Provided*, that the owners and operatives of any traction engine or road steamer shall, when running same on any public road, carry with them at least two two-by-twelve-inch oak planks not less than twelve feet long, and, when running the traction engine or road steamer across any bridge or culvert, shall place said planks so as to protect such bridge or culvert and prevent any injury thereto.

Misdemeanor.
Punishment.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Owners liable for
damages.

SEC. 3. Any person, firm or corporation using a traction engine or road steamer on any public road shall also be held to answer in damages for the actual amount of any and all injuries to bridges and culverts on the public roads which shall be occasioned thereby, regardless of whether or not they shall comply with the first sec-

tion of this act, and the county commissioners are authorized to Suit for damages. sue for the recovery thereof. Any recovery shall go to the county Recovery to road fund. road fund.

SEC. 4. This act shall apply only to Randolph County.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 196.

AN ACT TO PROHIBIT KILLING OF SQUIRRELS IN PITT AND WAYNE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That from the first day of March to the first day of Close season. October in each year it shall be unlawful for any person or persons to hunt, shoot or kill squirrels in the counties of Pitt and Wayne.

SEC. 2. That all persons violating the provisions of this act shall Misdemeanor. be guilty of a misdemeanor, and upon conviction shall be fined Punishment. not to exceed ten dollars or imprisoned not more than ten days.

SEC. 3. That the provisions of chapter one hundred and three of Repealing clause. the Public Laws of one thousand nine hundred and three, so far as the same applies to the counties of Pitt and Wayne, be and the same are hereby repealed.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 197.

AN ACT TO ALLOW THE COMMISSIONERS OF ONSLOW COUNTY TO USE THE SURPLUS OF THE SPECIAL-TAX FUNDS LEVIED UNDER CHAPTER 642 OF THE PUBLIC ACTS OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Onslow County be Use of surplus on hand. and they are hereby authorized and empowered to use all moneys now in the hands of the treasurer of said county levied and collected as special taxes, under chapter six hundred and forty-two of the Public Acts of one thousand nine hundred and five, and not needed for the purposes therein set forth, for the purpose of paying the debt created by said commissioners in borrowing money to pay the judgment of D. H. Tolman against said county.

Use of surplus
from levy of 1908.

SEC. 2. That the said county commissioners are hereby authorized and empowered to use all moneys that may come into the hands of the said treasurer from the taxes levied for the year one thousand nine hundred and eight, levied and collected under chapter six hundred and forty-two of Public Acts of one thousand nine hundred and five, and not needed for the purposes therein set forth, for the purpose of paying the said judgment and for the purpose of paying any interest due by the said county of Onslow on the railroad construction bonds issued by said county.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 198.

AN ACT TO REPEAL CHAPTER 951, PUBLIC ACTS 1907.

The General Assembly of North Carolina do enact:

Bond law for
townships of
Bladen.

SECTION 1. That chapter nine hundred and fifty-one (951), Public Acts of one thousand nine hundred and seven, be and the same is hereby repealed.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 199.

AN ACT RELATING TO THE MANAGEMENT AND CONTROL OF AUTOMOBILES ON THE PUBLIC ROADS AND HIGHWAYS OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Motor vehicles to
keep to the right
so as to leave two-
thirds of road free.

Proviso: rate of
speed.

SECTION 1. All persons riding on bicycles, tricycles, automobiles, locomobiles, traction engines or other motor vehicles shall, on meeting buggies, carriages, wagons or other vehicles, keep to the right, so as to leave two-thirds of the road free: *Provided, however,* that any person or persons operating any bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle on any public road or highway or at 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 bicycle, tricycle, automobile, locomobile, trac-

Speed in incorpo-
rated towns.

tion engine or other motor vehicle be operated at a greater speed than six miles an hour in any incorporated town in Sampson County nor more than five miles an hour while meeting and passing other vehicles outside of the incorporated towns in said county: *Provided, however,* that at any sharp curve in any public road or highway or at any crossing of the same the rate of speed shall not exceed four miles an hour; and *Provided,* that any person or persons operating any bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle on any such public road or highway, public street or place in said county shall, at request or on signal by putting up the hand from the person or persons riding, leading or driving a horse or horses or other animals, bring such bicycle, tricycle, automobile, locomobile, traction engine 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 other animals to pass; and in case such horse, horses or other animals appear to be frightened, and he is requested so to do, the person operating such bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle shall cause the motor thereof to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of persons leading, driving or riding any horse or horses or other animals on any public road or highway or public place, and if traveling in the same direction use reasonable care and caution in thereafter passing such horse, horses or other animals, 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 bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle, during the period from one hour after sunset till one hour before sunrise, shall 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 without reasonable cause request any person or persons operating a bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle or signal him by putting up the hand to stop. If any person purposely or 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.

Speed while meeting and passing vehicles.

Proviso: speed at sharp curves and road crossings.

Proviso: motor vehicles to stop on request.

Motor to cease running.

Lights.

Brakes and signals.

Acts declared misdemeanors.

Punishment.

Numbers to be attached to machines.

SEC. 2. It shall be the duty of the owner or other person operating a bicycle, tricycle, automobile, locomobile, traction engine or other motor vehicle or vehicles in Sampson County to attach to the front and on the rear of such motor vehicle the number of such machine in plain letters or figures, so as to be easily read, with a metal plate attached to or suspended from said vehicle or machine, and to register the number of said machine or motor vehicle with the clerk of the Superior Court in a book kept for that purpose by him, with the name of the owner set opposite such number, for which registration the owner or owners of such motor vehicle shall pay to the clerk of the Superior Court a fee of one dollar.

Number to be registered.

Registration fee.

SEC. 3. That this act shall apply only to the county of Sampson.

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

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 200.

AN ACT TO ESTABLISH, CONSTRUCT AND MAINTAIN A SYSTEM OF PUBLIC ROADS IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Road tax to be levied.

SECTION 1. That for the purpose of grading, building, improving and maintaining the public roads and highways in Madison County the board of county commissioners of said county shall, on the first Monday in June, one thousand nine hundred and nine, and annually thereafter, levy a tax, not less than fifteen cents nor more than fifty cents, on each one hundred dollars' worth of taxable property in said county.

Rate.

Collection of tax.

SEC. 2. That the taxes levied shall be collected by the sheriff of said county or as other taxes are collected, and paid to the County Treasurer of Madison County, and the said taxes collected shall be a separate fund and applied to the working, making and improving the public roads of said county, and shall be known as the general road fund of said county; that all funds now in the hands of the treasurer of said county that have been collected by previous acts as public road funds shall be set apart by said treasurer of said county as a general road fund and applied by him to the purposes of this act.

Specific appropriation as road fund.

Road funds heretofore collected.

Township funds kept separate.

SEC. 3. That the county treasurer of said county shall keep said funds which may come into his hands under the provisions of this act separate from all other funds, and shall keep a separate ac-

count of the same and of the amount collected by the provisions of this act in each township, and the funds collected in each township shall be used for the purpose provided in this act in the township where said funds were collected, and said funds so collected under the provisions of this act shall be used for no other purpose: *Provided*, that this act shall not be construed so as to prevent the road commissioners purchasing such tools or machinery as in their judgment may be necessary for constructing, building, working and maintaining public roads in said county.

Proviso: purchase of tools and machinery.

SEC. 4. That if any township or townships desire a special tax in addition to the amount levied by the county commissioners as general county fund, the said commissioners are hereby empowered and shall upon the petition of one-fifth of the qualified voters of any township in Madison County submit to the voters of said township so petitioning the question, "Shall there be levied in Township a special tax for road improvement in said township?" Said board of commissioners shall call said election at the first special or regular meeting after the filing of the petition as aforesaid, and shall for thirty days give public notice in some newspaper printed in the county and by notice posted in three or more public places in said township.

Election for special township tax.

Time for election.

Notice of election.

SEC. 5. That said election shall be held and conducted at the polling place or places established in said township, in the manner and under the same rules and regulations as now prescribed for the election of members of the General Assembly under the general laws of North Carolina.

Polling places.

Law governing elections.

SEC. 6. That said special tax provided for in sections four and five shall be collected as other taxes, and paid to the county treasurer, who shall give said township credit for said sum.

Collection of tax.

Credit to township.

SEC. 7. That all able-bodied male persons of the county of Madison between the ages of eighteen and forty-five years, except residents of incorporated towns and pupils of schools while in attendance at school, shall be subject to road duty and liable to work on the public roads of said county for four days of ten hours each, in each year, the road year to begin on the first day of April in each year: *Provided, however*, in cases of washouts or the roads becoming impassable in any other way the township supervisor or foreman may work the hands two additional days: *Provided*, that the said foreman shall give to each person subject to road duty in his district at least two days' notice, by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be done; also designating in such notice the tool or implement which such person is required to bring: *Provided further*, that in case of washouts or the road becoming impassable the two days' notice will not be required, and upon receipt of

Proviso: Emergency work.

Proviso: washouts.

- Proviso: place of work. summons of his foreman shall respond promptly: *Provided further*, that said supervisor or foreman shall work said road hands as near to their respective homes as practicable and never outside of their road district.
- Commutation for road work. SEC. 8. That any person may in lieu of working four days on the public roads pay to the foreman four dollars, and it shall be the duty of said foreman or supervisor to issue a receipt to said person stating the year for which the same is paid.
- Commutation money expended on roads. SEC. 9. That it shall be the duty of any supervisor collecting such sum or sums of money from the hands allotted in his district to spend the same in the improvement of the roads where such sum was collected, and report the amount collected and expended by him, in writing, to the road commissioners at the next regular meeting of said board.
- Reports. SEC. 10. That any person who shall, after being duly warned, fail or refuse to work himself, or by an able-bodied substitute acceptable to his foreman, after having failed to pay as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.
- Failure to perform road duty a misdemeanor. SEC. 11. That any person who shall, after being duly warned as provided in this act, appear as notified, fail or refuse to perform good and reasonable labor, or any person who shall refuse to obey lawful orders of his supervisor or foreman, shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, and it shall be the duty of such supervisor or foreman to dismiss such hand from the road.
- Punishment. SEC. 12. That it shall be the duty of the township supervisor to make reports at the next meeting of the board of road commissioners of any and all persons who shall fail to appear and work as warned, or who, having appeared, shall fail to perform good and reasonable labor or obey the orders of the supervisor or foreman; and upon such report being made, it shall be the duty of the board of commissioners to institute prosecutions before some justice of the peace of said county against such delinquent hands within thirty days from making such report.
- Failure to work or obey lawful orders a misdemeanor. SEC. 13. That in case any person shall remove from any township or district to another, who has prior to removal performed a part or the whole of the labor for which he is liable for the current year, he shall only be required to perform the amount of labor for which he was liable in the township or district from which he removed, and the certificate of the supervisor shall be conclusive as to the number of days worked by him before his removal.
- Punishment. SEC. 14. That for the purpose of this act the residence of any person who has a family shall be held to be where his family re-
- Reports of persons failing to appear and work.
- Commissioners to institute proceedings.
- Persons removing credited for work done.
- Residence defined.

sides, and the residence of any other person shall be where he boards in any road district in the county.

SEC. 15. That for the purpose of carrying out the provisions of this act, Sannet Cox, of Number Five Township; James Ramsey, of Number Fifteen Township; Adolphus Bryan, of Number One Township, and George W. Wilds, of Number Twelve Township, be and they are hereby appointed and constituted a board of road commissioners of Madison County for a term of six years, dating from the ratification of this act; that at the expiration of the term of said commissioners two shall be appointed from each political party, and in case of a vacancy on said board, from any other cause than by expiration of his or their term, the vacancy shall be filled by the remaining members of the board: *Provided*, that only resident taxpayers of Madison County shall be eligible to serve as a road commissioner of said county.

Road commissioners named.

Term.

Election of successors.
Political affiliations.

Vacancies.

Proviso: eligibility.

SEC. 16. Said board of road commissioners shall meet in the town of Marshall as soon after the ratification of this act as to them may seem practicable: *Provided*, that they do not defer meeting at a later date than the first Monday in June, one thousand nine hundred and nine; and shall organize by electing one of their number chairman, who shall preside at all meetings of the board. They shall also elect one of their number secretary, who shall keep an accurate account of all meetings of said board and do such other duties as may be required of him by said board or as may hereinafter be imposed by the provisions of this act.

Road commissioners to meet.

Proviso: time within which to meet.
Organization.

Duties of secretary.

SEC. 17. Said board of road commissioners shall, at their first meeting or as soon thereafter as practicable, elect or appoint one supervisor of public roads for each township in said county, whose term of office shall continue for two years.

Supervisors of roads.

SEC. 18. The members of the board of road commissioners shall be paid, out of the road funds of said county, not exceeding two dollars per day each while actually engaged in the necessary business of the commission, for not more than twenty-five days during any one year. The board of road commissioners shall fix the pay of the supervisors, which shall not exceed one dollar and fifty cents per day.

Pay of road commissioners.

Pay of supervisors.

SEC. 19. That the board of road commissioners shall use the funds collected, hereinbefore provided, for the purpose of constructing and improving the public roads in said county and the purchase of such tools, implements, machinery or material as may be found necessary in the proper carrying out of this work. Said board of road commissioners shall have exclusive control and supervision of the roads of said county, and the expenditure of the money provided in this act. They shall direct the supervisors when and where to work, and require them to do their duty, and the said board shall in every way have control over and direct the working of the roads in Madison County.

Use of road funds.

Powers of road commissioners.

Right to enter upon land for material.

SEC. 20. That for the further purpose of carrying out the provisions of this act the road supervisor or foreman, in laying out, opening up, constructing or working any of the public roads of said county, shall have the right to enter upon the land of any person whose land the road may pass over, and may proceed to open the road and use stone, earth, timber or any necessary material contiguous to said road, doing as little damage as possible to the premises; and said supervisor shall have the authority, subject to the approval of the board of road commissioners, to agree with the owner thereof for damages thereto, and the sum agreed upon and directed to be paid shall be paid as other payments provided herein. In case there should be a failure to agree as to such damages and have the same approved, then the same shall be arbitrated pursuant to law and damages paid according to award of the arbitrators, who shall be assessed for benefits according to the damages.

Agreement for damages.

Arbitration for settlement of damages.

Location of principal highways.

SEC. 21. That the principal highways or public roads of said county to be improved or constructed in accordance with the provisions of this act may be carefully surveyed or located by an engineer or surveyor trained and experienced in such work, aided by the township supervisor in the township where the work is to be done, and other assistants as may be deemed necessary, to be paid out of the road fund of said county.

Bond of road commissioners.

SEC. 22. That the board of road commissioners shall, before entering upon the duties of their office, make a good and sufficient bond, approved by the board of county commissioners, in the sum of five hundred dollars each, conditioned upon the faithful and honest discharge of their duties and for the proper disbursement of and accounting for all funds that may come into their hands or be at their command by virtue of their said office, which said bond shall be recorded by the register of deeds and filed in the office of the clerk of the Superior Court of said county.

Bond of supervisors.

SEC. 23. The supervisors of the several townships shall, before entering upon the discharge of their duties, deposit with the board of road commissioners a good and sufficient bond, to be approved by said board, in the sum of three hundred dollars, conditioned upon the faithful and honest 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 office, and said bond shall be recorded by the register of deeds and filed in the office of the clerk of the Superior Court of said county.

Quarterly meetings.

SEC. 24. The board of road commissioners and the supervisors of each township in said county shall meet in the town of Marshall or some place agreed upon by them once every three months, or they may meet once every month if they in their judgment deem it necessary. Any member who shall fail to attend said

Forfeit for failure to attend.

meetings shall forfeit and pay the sum of two dollars, unless he has been prevented from attending by circumstances beyond his control, which said sum shall be deducted from any sum that may be due or become due to him hereafter; that at each and every meeting the township supervisors shall file with the chairman of said board a report, in writing, setting forth therein the number of days worked on the roads in their respective townships since the last meeting of said board, the names and time put in by each hand working, the general condition of the roads in his township, and shall further set out and recommend any changes, amendments or work he considers necessary. Quarterly reports.

SEC. 25. That the board of road commissioners shall have the authority and are hereby empowered to establish and construct or lay out and build new roads, when in their judgment it is necessary for the good of the traveling public, and all damages, if there be any, assessed and disposed of as heretofore provided. New roads.

SEC. 26. That any person, firm or company transporting or having transported by others logs, lumber or timber or any other heavy material over the roads in Madison County shall first obtain a license from the board of road commissioners for the purpose of transporting said material, and the fee for said license shall be fixed by said board; that any person, firm or company failing or refusing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court; that said board of road commissioners shall have the authority and are hereby empowered to issue license as provided in this section, and collect the fees for the same, and all sums collected under the provisions of this section shall be used for the purpose of repairing the road or roads where such transportation or hauling has been done or said roads damaged. License to loggers
Failure a misdemeanor.
Punishment.
License fees for repair of damages.

SEC. 27. That no moneys levied or collected under the provisions of this act shall be paid out by the treasurer of said county except upon the warrant of the board of commissioners of said county, and all bills presented to said board shall first be approved by the chairman of the board of road commissioners, and in case of special township road funds said bills shall be approved by the supervisor of the township where said funds belong. Warrants for payments from road funds.

SEC. 28. That all officers provided for in this act, before entering upon the discharge of the duties of their office, shall take an oath to discharge the duties as herein provided, and when so qualified shall have the power to administer oaths. Officers to qualify.

SEC. 29. That the township supervisors shall have the authority and are hereby empowered to appoint one or more foremen, if necessary, to carry out the provisions of this act, who shall not receive more than one dollar per day of ten hours each. He shall have the same authority to summon hands and receipt for work done or money paid in lieu thereof and to supervise the construct- Appointment of foremen.
Pay of foremen.
Power and authority.

ing and working the public roads as heretofore provided for in this act governing the township supervisors.

Monthly inspection.

SEC. 30. It shall be the duty of the township supervisor to inspect and investigate the condition of the roads in his district or township once every month, and if he shall find any road in bad condition it shall be his duty to take such steps as is necessary to repair the same at once.

Further powers of road commissioners.

SEC. 31. For the further purpose of carrying out the provisions of this act the board of road commissioners are hereby authorized and empowered, as they may in their judgment deem best, to discontinue any road that is not necessary for the good of the public, and to lay out new roads when they deem it necessary for the good of the traveling public, and employ a skilled engineer, as heretofore provided, to lay out such road; shall say what the grade and width of all the public roads shall be, and shall make any and all changes on said roads in order to better the grade or location or improve said roads in any way that they deem necessary for the benefit of the public; shall build footways across all streams where it is necessary, repair bridges or anything not mentioned in this act in the way of repairing, maintaining, constructing or modern road building, they are hereby authorized and empowered to do or have done.

SEC. 32. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 33. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 201.

AN ACT RELATING TO THE CONTROL AND MANAGEMENT OF AUTOMOBILES AND OTHER VEHICLES UPON PUBLIC ROADS AND HIGHWAYS IN THE COUNTIES OF HARNETT AND JOHNSTON.

The General Assembly of North Carolina do enact:

Motor vehicles to keep to the right and leave two-thirds of road free.

Proviso: rate of speed.

SECTION 1. All persons riding on bicycles, tricycles, locomobiles, automobiles or other motor vehicles shall on meeting carriages or other vehicles keep to the right, so as to leave two-thirds of the road free: *Provided, however,* that any person operating a locomobile, automobile or other motor vehicle on any public road or highway or at 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

traction engine, locomobile, automobile, motorcycle or other motor vehicle be operated at a greater speed than six miles an hour in any incorporated town in Johnston or Harnett counties, nor more than five miles an hour while meeting and passing other vehicles outside of the incorporated towns in said counties: *Provided*, that at any sharp curve in any public road or highway or at any crossing of the same the rate of speed shall not exceed four miles an hour, which rate of speed in any municipality in said counties shall not be diminished or 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, motorcycle or other motor vehicle on any such public road or highway, public street or place in said counties 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, motorcycle 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 animals appear to be frightened, and he is requested so to do, the person operating such locomobile, automobile, motorcycle 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 direction use reasonable care and caution in thereafter passing such horse, horses or other animals, 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, motorcycle or other 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, motorcycle 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.

Rate in incorporated towns.

Rate meeting and passing vehicles.
Rate at sharp curves and road crossings.

Proviso: stops on request.

Motor to cease running.

Lights.

Brakes and signals.

Acts declared misdemeanor.

Punishment.

Number to be
attached.

Number to be
registered.

SEC. 2. It shall be the duty of the owner or other person operating a locomobile, automobile or other motor vehicle in the counties of Harnett or Johnston to attach to the front and on the rear of any such locomobile or automobile or other motor vehicle the number of such machine, in plain letters, so as to easily be read, with the metal plate attached to or suspended from said vehicle or machine, and to register the number of said machine with the clerk of the Superior Court, in a book kept for that purpose by him, with the name of the owner set opposite such number, in said counties.

SEC. 3. That all laws or clauses of laws in conflict with this act shall be and the same are hereby, in so far only as they are in conflict herewith, repealed.

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 202.

AN ACT TO DIVIDE THE PRESENT TERMS OF THE SUPERIOR COURT OF STOKES COUNTY INTO FOUR TERMS OF ONE WEEK EACH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of chapter twenty-eight of the Revisal of one thousand nine hundred and five, relative to the Superior Courts of Stokes County, in the Eleventh Judicial District, be amended by dividing the present two terms of said court into four terms of one week each, as follows: The first spring term thereof to begin on the ninth Monday after the first Monday in March and continue for one week, and be for the trial and hearing of criminal causes only, and the second spring term thereof to begin on the tenth Monday after the first Monday in March and continue for one week, and be for the trial and hearing of civil causes only; that the first fall term thereof shall begin on the third Monday after the first Monday in September and continue for one week, and be for the trial and hearing of criminal causes only, and the second fall term thereof to begin on the fourth Monday after the first Monday in September and continue for one week, and be for the trial and hearing of civil causes only.

Jurors. SEC. 2. That for each term of the criminal courts above specified there shall be drawn and summoned thirty-six jurors, and for each term of the civil courts above named there shall be drawn and summoned twenty-four jurors.

SEC. 3. That civil process shall be made returnable to the civil Return of process. terms of said court only, and all civil process already issued and made returnable to the spring term, one thousand nine hundred and nine, of said court, on the ninth Monday after the first Monday in March, one thousand nine hundred and nine, shall stand returnable on the tenth Monday after the first Monday in March, one thousand nine hundred and nine.

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

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 203.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MACON COUNTY TO ESTABLISH A CHAIN GANG.

Whereas the Board of County Commissioners of Macon County Preamble. desire to be empowered by the General Assembly of North Carolina to establish a chain gang for the purpose of working certain convicts on the public highways and bridges of said county:

The General Assembly of North Carolina do enact:

SECTION 1. That all persons confined in the county jail, either Prisoners available for work on roads and bridges. under sentence of the court for crime or imprisonment for the nonpayment of fines or costs shall be available to the county commissioners for the purpose of working them upon the highways and public roads and bridges of the county; and upon the application made by the board of road trustees of any township of the county having an order from the county commissioners, it shall be the duty of the sheriff or jailer having such prisoners in his custody to deliver them to the superintendent of roads, who shall Prisoners delivered to superintendent of roads. be responsible for their safe-keeping and return, and the sheriff of the county or jailer shall be exonerated in case of the escape of any such prisoners.

SEC. 2. That the county commissioners are hereby authorized Convicts from other counties. to accept convicts from other counties sentenced by the Superior Court Judges, whenever in their judgment it is deemed convenient to do so; and the Judges of the Superior Court are hereby authorized to sentence prisoners from any other county for misdemeanors and felonies not capital.

Convicts sentenced to roads.

SEC. 3. That it shall be lawful for the judges holding court in said county, for any justice of the peace for said county or any mayor in said county where defendants are convicted and sentenced by them to a term of imprisonment in the county jail or so imprisoned for failure to pay costs to order that such defendants be assigned to work out such terms of imprisonment or such costs upon the public roads of the said county at hard labor.

Control of convicts.

SEC. 4. That the convicts sentenced to hard labor shall be under the control of the county commissioners of said county, and the said authorities shall have the power to enact and to enforce all needful rules for the working of all convicts upon the highways or public roads, and they may appoint superintendents for said convicts and such guards and other employees as may be necessary, and commit to the superintendent the custody of the whole or any part of the convict force, and they may authorize and empower him to use only such discipline as may be necessary to carry out the rules and regulations in the working of the highways and public roads or any other work to which said convicts may be put by order of the commissioners, to the same extent as is allowed by law to the authorities of the penitentiary in the control of convicts committed to the State's Prison.

Safe-keeping of prisoners.

SEC. 5. That for the purpose of equipping and maintaining said convict system the said commissioners are hereby authorized and empowered to use the county jail for the safe-keeping of said prisoners, or to build and maintain a convict camp or camps and to provide for the keeping and maintaining of said convicts and transporting said convicts to and from their work. The rules and regulations enacted and enforced by the county commissioners must be in accord with the rules and regulations governing the use of convicts on public roads laid down and published by the State Highway Commission.

Rules and regulations.

Work prescribed.

SEC. 6. The prisoners shall do no work on the highways or public roads unless said work has been prescribed by the superintendent of roads or other proper authorities in the proper road district; and the prisoners working the public roads in default of payment of fines or costs shall be allowed so much per day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the account charged against them. If any prisoner shall escape he shall be deemed guilty of a misdemeanor.

Services credited on fines.
Escape a misdemeanor.

Expense of work.

SEC. 7. The expense of working said convicts shall be paid out of the road funds belonging to said township in which they are worked. It shall be the duty of said county commissioners to have the leading roads running north, south, east and west worked first, a distance of seven miles each, commencing at courthouse, and after that being done they may use their judgment as to working said convicts.

Leading roads.

SEC. 8. *Provided*, that this act shall not be deemed to repeal or affect in any manner the present road laws for the county of Macon. Proviso: present road law not affected.

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 204.

AN ACT TO PROTECT THE GAME AND LANDOWNERS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt, with or without dog or gun, upon the lands of another in Rutherford County, except by consent of owner first had and obtained in writing, which permit shall not be valid for more than six days at any one time. Written permit for hunting.

SEC. 2. That any person selling or offering for sale any part-ridge or quail, except for breeding purposes, under permits issued by the State Audubon Society, shall upon conviction pay a fine of one dollar for each and every bird sold or offered for sale; also, any person buying said bird or birds shall pay a fine of one dollar for each and every bird bought; the provisions of this section to expire on March first, one thousand nine hundred and eleven. Selling, offering for sale or buying birds forbidden.

SEC. 3. That any person or agent shipping said bird or birds, except for breeding purposes, under said permits, shall be considered a dealer, and shall pay a fine of one dollar for each and every bird shipped or offered for shipment. Punishment for shipping birds.

SEC. 4. That it shall be unlawful for any person to hunt any partridge or quail or to destroy the eggs or young of said birds between the first day of February and the first day of December in each and every year. Any person violating this section shall upon conviction pay a fine of not less than five nor more than ten dollars or be imprisoned not less than ten nor more than twenty days for each and every offense. Close season. Punishment.

SEC. 5. Any person violating sections one and two of this act shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten nor more than twenty dollars or be imprisoned not less than ten nor more than twenty days for each and every offense. Punishment for selling, buying or shipping birds.

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

SEC. 7. That this act shall be in force after March first, one thousand nine hundred and nine. When act effective.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 205.

AN ACT TO AMEND CHAPTER 782, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Supervisors to
file statements.

SECTION 1. That section nineteen, chapter seven hundred and eighty-two, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by changing the period at the end of said section to a comma and adding the following: "and in case no election is held under the provisions of this chapter the supervisors of any township in said county or those having in charge any money belonging to the road fund of their respective townships shall comply with the provisions above named in the same manner as required of the supervisors of such township, in the event an election were held and the provisions of this act adopted."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1909.

CHAPTER 206.

AN ACT FOR THE IMPROVEMENT OF PUBLIC ROADS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Act supplemental
to law now in
force.

SECTION 1 That nothing in this act shall be construed to repeal or invalidate the general road law now in force, but this act shall be regarded as supplemental thereto.

Special tax
authorized.
Rate.

SEC. 2. That the board of county commissioners be and they are hereby authorized to levy a special tax, not less than five (5) cents nor more than ten (10) cents, on the one hundred dollars' worth of property, the same to be collected under the same rules and regulations as are now prescribed for the collection of regular taxes, and to be kept separate by the county treasurer and known as the county road fund.

Specific appropri-
ation.

SEC. 3. That the said special tax, when levied and collected, shall be used exclusively by the county commissioners, upon the warrant of the road supervisors, for the purpose of improving public roads of said county, and so far as is practicable the tax collected shall be used for the purpose of improving the roads in the township in which the tax was collected, respectively: *Provided, also,* that one-third of the tax collected in Hertford Township shall be turned over to the town commissioners of the town of Hertford for the purpose of working the streets of said town; and the

Proviso: work on
streets of Hert-
ford.

county commissioners be and they are hereby authorized to purchase such tools and machinery as may be necessary. Purchase of tools and machinery.

SEC. 4. That any person having paid on or before March first of any year the sum of two dollars and fifty cents (\$2.50) to the overseer shall be exempt from road duty one year from said date; and *Provided*, that all overseers be paid the sum of one dollar (\$1) per day for all service rendered: *Provided, also*, that road supervisors be paid the sum of one dollar and fifty cents (\$1.50) per day for all service rendered. Commutation for road work. *Provido*: pay of overseers. *Provido*: pay of supervisors.

SEC. 5. That all laws or parts of laws in conflict with this act are hereby repealed, and that the general road law be enforced, except as provided by this act.

SEC. 6. That this act shall be in force from and after its ratification, and shall apply only to the county of Perquimans. Application of act.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 207.

AN ACT TO AMEND CHAPTER 622 OF THE PUBLIC LAWS OF 1907, RELATING TO HUNTING DEER IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and twenty-two of the Public Laws of one thousand nine hundred and seven, amendatory of section one thousand eight hundred and eighty-one of the Revised of one thousand nine hundred and five, be and the same is hereby amended by adding to section one thereof the following words: "and the territory embraced in the boundaries of South Fork Township." South Fork township.

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

Ratified this the 18th day of February, 1909.

CHAPTER 208.

AN ACT TO ESTABLISH A ROAD IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on or before the first Monday in June, one thousand nine hundred and nine, the Board of County Commissioners of Madison County, at their said regular meeting of said board, Jury to lay out and establish road.

Beginning and route.	shall appoint a jury, consisting of three members, whose duty it shall be to lay out and establish within fifteen days after their appointment a public road, commencing near where J. M. Ramsey & Sons' store was burned, at Walnut, in said county; thence running through J. M. Ramsey's farm to the top of the ridge between the said J. M. Ramsey's farm and the land of Frank Landers to the George W. Gahagan survey; thence with said survey to the top of the Walnut Mountain, intersecting with the public road at the gap of said mountain, known as the Andy Chandler Gap; thence in the direction of said public road to the new Baptist church, intersecting the public road in a gap of the ridge at or near said church.
Report of jury.	SEC. 2. That the said jury shall within fifteen days after laying out said road make and file their report with the commissioners of said county, and their report shall be confirmed by the commissioners at their regular meeting the first Monday in July, one thousand nine hundred and nine.
Appointment of overseers.	SEC. 3. That the county commissioners shall, on the first Monday in July, one thousand nine hundred and nine, appoint two overseers for said road—one in Number Ten Township and one in Number One Township.
Hands to be warned.	SEC. 4. That the overseers provided for in the preceding section shall summons all hands subject to work on said road three days prior to the day of working, and shall work said hand not less than two days nor more than four days on said road, and said hands shall be required to work ten hours each day.
Road duty.	
Allotment of hands.	SEC. 5. That the county commissioners shall, for the purpose of carrying out the provisions of this act, on the first Monday in July, one thousand nine hundred and nine, specify and designate a boundary or territory in Number One and Number Ten Townships that will include a sufficient number of hands as in their judgment may be necessary to build and construct said road on or before the first Monday in June, one thousand nine hundred and ten.
Grade and width of road.	SEC. 6. That said road shall be given a grade of one foot in twelve, and nowhere greater than one foot in ten, and a width of twelve feet, clear of ditches, logs, trees and other obstructions: <i>Provided</i> , that where the roadway must be blasted out in hard rock the width of said roadway shall not be less than ten feet.
Proviso: width where blasting necessary.	SEC. 7. That this act shall be in force from and after its ratification.
	Ratified this the 18th day of February, A. D. 1909.

CHAPTER 209.

AN ACT TO PREVENT THROWING SAWDUST IN THE
WATERS OF SPARK'S CREEK, WILKES COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any owner, lessee or person having in control any sawmill to empty or throw any sawdust or cause the same to be thrown or emptied in any of the waters of Spark's Creek, in Wilkes County, north of the road leading from Trap Hill to Dobson. Throwing sawdust in stream forbidden.

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

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 210.

AN ACT TO ABOLISH TWO WEEKS OF COURT OF
PASQUOTANK COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the November term and the last week of the March term of the Superior Court of Pasquotank County are hereby abolished; that that portion of section one thousand five hundred and six of the Revisal of North Carolina referring to the holding of courts in Superior Court of Pasquotank County be amended as follows: "Pasquotank County, seventh Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only; first Monday after the first Monday in March, to continue for one week, for the trial of civil and criminal cases; second Monday after the first Monday in September, to continue for one week, for the trial of civil and criminal cases." Terms abolished. Terms established.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force and effect on and after April first, one thousand nine hundred and nine. When act effective.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 211.

AN ACT TO AMEND CHAPTER 276 OF THE PUBLIC LAWS OF 1907, RELATING TO BONDS OF TAX COLLECTORS.

The General Assembly of North Carolina do enact:

Amount of bond.

SECTION 1. That section three of chapter two hundred and seventy-six of the Public Laws of one thousand nine hundred and seven be amended by inserting the words "not more than" between the words "in" and "double," in line two thereof, and by adding the words "nor less than the actual amount of taxes so levied, in the discretion of said commissioners," between the words "townships" and "and," in line three 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.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 212.

AN ACT TO DRAIN LANDS IN HUNT'S FORK AND HANKS' BRANCH, IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Commissioners.

SECTION 1. That Henry C. Culler and J. R. Stone are hereby appointed commissioners, who shall, on or before the first day of August, one thousand nine hundred and nine, ascertain as near as practicable the number of acres of sod lands on Hunt's Fork from the mouth to Veaches' Bridge, with the Winston Road, and Hanks' Branch from the mouth of said branch to the Winston Road, in Thomasville Township, and also ascertain the owners of said sod lands, and require of the said owners one hand for each ten acres to open up and properly drain said lands.

Ascertainment of acreage and ownership.

Allotment of hands.

Notification to landowners.

SEC. 2. The said commissioners shall notify said landowners of the time and place of meeting of said hands, as well as the number required of them, five days before the appointed time, and superintend the said work and see that it is properly done.

Refusal to furnish hands a misdemeanor.

SEC. 3. Any landowner that shall refuse or fail to furnish the hands required of him by the said commissioners or furnish acceptable substitutes shall upon conviction before a justice of the peace be guilty of a misdemeanor and subject to fine not exceeding fifty dollars or thirty days' imprisonment.

Punishment.

SEC. 4. Any landowner that prefers to do so may pay the com- Commutation.
missioners one dollar per day in lieu of each hand required of him,
provided he will do so three days before the work is required,
which sums, when paid in, shall be invested by said commissioners
in other hands to aid in said work.

SEC. 5. That the said H. C. Culler and J. R. Stone are hereby Term of commis-
appointed for a term of two years from the first day of April, one sioners.
thousand nine hundred and nine, after which time the county Appointment of
commissioners shall appoint their successors every two years, and successors.
shall be paid two dollars per day while in active service and all Pay of commis-
expenses for postage and stationery. sioners.

SEC. 6. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 213.

AN ACT TO AMEND SECTION 1311 OF THE REVISAL OF
1905, AND TO REPEAL CHAPTER 228 OF THE PUBLIC
LAWS OF 1905, RELATING TO THE NUMBER AND COM-
PENSATION OF THE BOARD OF COUNTY COMMISSION-
ERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand three hundred and eleven Number of com-
of the Revisal of one thousand nine hundred and five be amended missioners.
by striking out the word "Northampton," in line fourteen thereof.

SEC. 2. That chapter two hundred and twenty-eight of the Pub- Pay of chairman
lic Laws of one thousand nine hundred and five be and the same and commis-
is hereby repealed. sioners.

SEC. 3. That each member of the Board of County Commission- Pay of commis-
ers for Northampton County shall be paid for his services the sum sioners.
of three dollars per day and five cents per mile each way for each
day of his attendance upon the meetings of said board: *Provided,* Proviso: allow-
however, the chairman of said board shall receive twenty-five dol- ance to chairman.
lars per annum in addition to the above compensation.

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 ratifi-
cation.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 214.

AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING AND MAINTAINING THE PUBLIC ROADS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Division of roads.	SECTION 1. That the roads and ways of Macon County, for the purposes of this act, shall be, as hereinafter provided, divided into public roads and cartways, and for the proper construction, improvement and maintenance of the public roads of said county the board of commissioners thereof shall levy an annual tax, as
Tax for roads.	hereinafter provided, and the said board of commissioners shall, on the first Monday in April, one thousand nine hundred and nine, appoint a board of road trustees for each township in said county, which board shall be composed of three good and lawful men, residents of such townships. The term of office of the first road trustee shall be three years, the second two years, and the third for one year, and one successor of one trustee shall be appointed for each of said townships in April, one thousand nine hundred and ten, by said board of commissioners, and annually thereafter, for the
Road trustees for townships.	term of three years; and that in event of a vacancy occurring in any of said boards of road trustees, by death, resignation, removal from the township or otherwise, the said commissioners shall appoint his successor to fill the unexpired term. The said trustees are incorporated the board of road trustees of such township, and the same shall be their corporate name.
Terms of office.	SEC. 2. That the road trustees for each of said townships shall meet on the first Saturday in May, one thousand nine hundred and nine, and annually thereafter, and organize by electing one of their number chairman, one secretary and one treasurer, or if they shall deem it advisable they may elect one of their number secretary-treasurer, and the secretary or secretary-treasurer so elected, as the case may be, shall forthwith report to the commissioners of said county, in writing, a list of the officers thus elected, which report shall be kept on file in the register's office of said county; that the trustees, for the purpose of performing the duties herein required of them, shall meet quarterly, and oftener if in their judgment they shall deem it necessary for the proper transaction of the duties herein imposed, and their secretary shall keep a record of all their meetings and proceedings; that the treasurer of the said road trustees shall enter into a good and sufficient bond, to be approved by the other members of said board of road trustees, payable to the State of North Carolina, in trust for such township, in not less than the sum of two hundred dollars, and in no case less than double the tax levied for road purposes under this act for such township for such year, which bond shall forth-
Vacancies.	
Incorporation.	
Corporate name.	
Meetings of trustees.	
Organization.	
Report of organization.	
Quarterly meetings.	
Record of proceedings. Bond of treasurer.	

with be returned to and filed in the office of the register of deeds of said county; that said bond shall be conditioned that said treasurer of said board of road trustees shall faithfully, well and truly perform all duties, acts and things required of him under this act to be done and performed, and he and his sureties upon such bond shall be liable thereon for any default of the treasurer to do and perform any duty or duties required of him under this act; that the said road trustees, in their corporate name aforesaid, shall have the right to sue and be sued, plead and be impleaded in any of the courts of this State; that the said road trustees shall be exempt from the number of days' labor hereinafter required in this act upon the public roads of their township.

Corporate powers.

Road trustees exempt from road duty.

SEC. 3. That it shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each year, and make a report in duplicate on the condition of said public roads and present one copy of said report to the board of commissioners of said county at their May and November meetings, and in addition thereto the said road trustees shall forthwith file one copy of said report with the clerk of the Superior Court of said county for the use of the solicitor, with such instructions and recommendations as they may deem proper; that the said road trustees shall have the right, upon petition of the citizens of their township, or without such petition if they shall deem it best for the interests of the traveling public to lay out, alter or discontinue public roads that are wholly within their township, or when such proposed new road, alteration or discontinuance is wholly within their township, with as little injury to the lands through which the same passes as may be consistent with the best interests of the traveling public; and the said road trustees, taking into consideration the advantages and disadvantages to the owner of the lands through which the road thus altered or laid out passes, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, and the said road trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the board of commissioners of said county and, unless it shall appear to said commissioners that the damages are exorbitant and unjust, shall be allowed by them; that any person or persons aggrieved by the action of the road trustees in laying out, altering or discontinuing any public road, as aforesaid, or the amount of damages allowed for laying out any new road or altering an old road, as aforesaid, may, upon giving a bond, with sufficient justified surety, to be approved by said road trustees, in not less than the sum of one hundred dollars, and conditioned for the payment of all costs which may be adjudged against him or them by reason of such appeal, appeal to the board of commissioners of said county: *Provided*, notice of appeal be given to the said road trustees by the party or

Semiannual inspection of roads.
Reports.

Right to lay out or discontinue roads.

Assessment of damages.

Certificate of damages.

Appeals to county commissioners.

Proviso: notice of appeal.

parties aggrieved within ten days after the act complained of. That the said commissioners shall hear and determine such appeal, and if the same be against the appellant it shall be their duty to enter judgment against the appellant and his sureties for the costs of the appeal, with all the force and effect of a judgment in the Superior Court, and that such judgment for costs may be enforced in the same manner as a judgment of the Superior Court: *Provided*, that any party or parties aggrieved by the action of the commissioners in such matter may appeal to the Superior Court of said county in the manner set forth in the next succeeding section.

Proviso: appeals to superior court.

Roads extending into two or more townships.

Process for laying out, alteration or discontinuance of road.

Proviso: notice of petition.

Proviso: appeals to superior court.

Division of roads.

Proviso: road hands to be worked in township of residence. Road districts.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done, subject to and as is provided in sections two thousand six hundred and eighty-four, two thousand six hundred and ninety and two thousand six hundred and eighty-five of chapter sixty-five, and section one thousand two hundred and sixty-eight, chapter twenty-two of Volume One of the Revisal of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the courthouse door for thirty days and at some public place in each township, through any part of which said road passes, for twenty days prior to the hearing of said petition, shall be sufficient for the notices required in said section two thousand six hundred and eighty-four: *Provided further*, that any person or persons desiring to appeal to the Superior Court from the order of the board of commissioners shall first give bond, with justified and approved security, in not less than the sum of one hundred dollars, conditioned to pay all such costs as may be adjudged against him or them by reason of such appeal.

SEC. 5. That all roads, when laid out for construction or amendment under the provisions of the preceding section, shall by reason of this act be deemed divided so that the road trustees of each township shall have control of so much thereof as lies wholly within their township, and all public roads laid out or amended under sections three and four of this act shall be constructed as is in this act provided for the construction and maintenance of public roads: *Provided*, that no person shall be required to go out of his township to help in working or constructing any road.

SEC. 6. That the road trustees of the several townships of said county shall, on the first day of May, one thousand nine hundred and nine, or within ten days thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations as they may deem proper, and cause a brief description thereof to be made on the township records, and also to furnish each supervisor with a description of his road district; that the road trustees of each township, at the meeting at which

they divide their township into road districts, as aforesaid, and annually thereafter, shall elect one supervisor for their township, who shall have charge of the several road districts therein, but if in their judgment they should consider it best suited to the conditions in their townships they may elect more than one supervisor and assign to each the districts which he shall have charge of under the provisions of this act; that the road trustees shall cause each supervisor to enter into a bond in not less than the sum of one hundred dollars, executed to the State of North Carolina, in trust for said township, with sufficient surety, to be approved by the road trustees for such township; that the road trustees shall have general power and control over the public roads in their townships, and shall confer with and may direct the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads; that in case of a vacancy in the office of supervisor, occurring by death, resignation, removal or otherwise, the road trustees shall appoint his successor for the unexpired term, and may at any time, when they deem it for the best interest of the public roads of their township, remove any supervisor from office and appoint his successor.

Election of supervisors.

Bond of supervisors.

Power and control of trustees.

Vacancies in office of supervisor.

Removal.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall make and execute bond, with approved surety, such as may be required of him as aforesaid by the road trustees, and shall at each quarterly meeting of the road trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, the character and extent of the work he has done on the same, the number of persons subject to road duty, as defined in section nine of this act, in each road district under his charge, and the number of days worked by each of said persons; the name of each person who has paid cash in lieu of services, and the amount of cash paid by each; the full amount of receipts and the amount and manner of all expenditures during said quarter; the number of days worked by him on the roads of his districts, and the number of hands worked each day, and the number of judgments, fines and penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the road trustees may require of him appertaining to his duties or relating to the condition of his roads.

Supervisors to qualify.

Reports.

SEC. 8. That it shall be the duty of each and every supervisor, subject to such directions as the road trustees may deem proper to make as to the manner of doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district; the same to keep in repair and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purposes the

Duties of supervisors.

Entry on lands for material.

supervisors are hereby authorized to enter upon any lands, not encumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and the public good will permit; and the drains or ditches so made shall be conducted to the nearest water course, ditch or drain, and shall be kept open by the supervisor, and shall not be obstructed by the owners or occupier of such land or any person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisors and paid over by them to the road trustees and applied to the road fund of said township; and if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest waterway, ditch or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.

Willful injury to lands a misdemeanor.

Road duty.

SEC. 9. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to do and perform five days' labor on the public roads, under the directions of the supervisor of the road district in which he resides: *Provided*, that if any person, being warned as hereinafter provided, shall pay to the supervisor of his district the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the road supervisor receiving the same to the improvement of the roads in that district: *Provided*, that if from heavy rains, floods, wash-outs or any unusual injury to the roads, the road trustees shall be of opinion that the condition of the roads in their township demand it, they may increase the number of days' labor for each person subject to road duty, as above, to not more than six days: *Provided further*, that ten hours shall constitute a day's work, as required under this act.

Proviso: commutation.

Proviso: emergency work.

Proviso: day's work.

Hands to be warned.

SEC. 10. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of March and the first day of December, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice to attend by himself or an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the su-

pervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of two dollars for every such offense, and shall further be liable in all cases of nonattendance to the amount of labor required by the road trustees in such township, to be recovered by action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside, and shall also be guilty of a misdemeanor and fined not exceeding five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the road trustees: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.

Forfeit for failure to appear and work.

Misdemeanor. Punishment.

Proviso: neglect of supervisor.

SEC. 11. That in case any person shall remove from any district to another, who has prior to such removal performed the whole or any part of the labor aforesaid or in any way has paid the whole or any part thereof in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete release for the amount therein specified.

Removal from district.

SEC. 12. That any person of road age, as defined in this act, who shall be summoned, as hereinbefore provided, to perform any labor upon the public roads under the provisions of this act, shall by himself or by any able-bodied substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with the necessary tools and implements as the supervisor may direct, and the supervisor may arrange for the use of teams of horses, wagons, carts, plows or scrapers to be employed and used on the road, under his direction, upon terms and prices to be approved by the board of trustees.

Persons warned to bring tools.

Teams and machines.

SEC. 13. That for the purpose provided in the preceding section of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in said county.

Residence defined.

SEC. 14. That the several supervisors in their respective districts shall collect, by suit or otherwise, all fines, forfeitures and penalties arising or accruing under the provisions of this act, unless the question thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the road trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties can be collected, and the said judgment, if not paid, together with the costs therein, shall remain and be in force against the judgment debtor.

Collection of fines and penalties.

Moneys to be paid over.	SEC. 15. That all the moneys that remain in the hands of any supervisor at the time of the annual settlement with the road trustees shall be paid over to his successor in the office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the road trustees. It shall be lawful for any supervisor to sue out executions on any judgment that may remain unpaid within his proper district at any time when in his opinion the same can be collected, and the money so received and collected shall be expended as provided in the foregoing section.
Execution on judgments.	
Levy of road tax.	SEC. 16. That the commissioners of said county are hereby authorized to and shall levy at the June session of their board, annually, for public road purposes not less than ten cents nor more than twenty-five cents on the one hundred dollars' worth of property, and the chairman of the county commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes; that it shall be the duty of the board of trustees of each township to confer with and make recommendations to the county commissioners as to the amount of tax needed in their township for the proper construction, maintenance and improvement of the public roads in their township for the current year; and if the county commissioners shall be satisfied from such recommendation that any township needs for the construction, maintenance and improvement of its public roads a tax in addition to the general levy made for road purposes under the authority above, they may at their annual meeting in June or July levy an additional road tax for any such township: <i>Provided</i> , the same, when added to the general levy for road purposes aforesaid, shall not exceed the limitation above set forth in this section. That the road tax, when thus assessed, shall be collected by the tax collector of said county, under the penalty and regulations laid down for the collection of other taxes for said county, and paid out as hereinafter provided.
Rate.	
Recommendations of trustees.	
Additional tax.	
Proviso: limit.	
Collection and payment of tax.	
Road tax listed separately.	SEC. 17. That the road tax levied under this act shall be made out and kept in a separate item on the tax list and appear in a separate item on the tax receipt; that the clerk of the board of county commissioners shall, at the earliest date practicable and not later than the fifteenth day of September in each year, furnish to the treasurer of the board of road trustees of each township a statement containing the name of each person against whom a road tax is levied in each township and the amount of tax levied against such person; that the tax collector shall pay the amount of taxes collected in each township to the treasurer of the board of township trustees of said township, taking from such treasurer his receipt therefor, which receipt shall be his valid voucher in settlement of such tax collector with the commissioners of said county for the road tax of such township.
List certified.	
Other tax paid to township treasurers.	

SEC. 18. That the moneys paid into the hands of the treasurer of the road trustees under this act shall be expended as the road trustees may direct for the construction, maintenance and improvement of the public roads of their townships, and, in determining the division of the funds, shall be governed, not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material and quantity of material necessary to make substantial repairs and improvements, and thus make a just and equitable division of the funds to the needs of the road, and said money shall be used, so far as practicable, in making the most permanent and lasting improvements upon said roads possible.

Expenditure of road funds.

Division of funds.

SEC. 19. That the treasurer of the board of road trustees shall disburse the funds coming into his hands under this act only upon order, signed by the chairman, stating the person to whom same is payable, the amount and the purpose for which the same has been or is to be expended, and the said treasurer shall at any time the same may be required by the board of road trustees make an itemized report of the amount of receipts and disbursements which he has made.

Orders on road funds.

Itemized reports.

SEC. 20. That the supervisor shall receive for his services the sum of one dollar per day for the time actually employed on the road, deducting the commutation of the days of labor required in such township: *Provided*, the board of road trustees of any township may at any time fix the minimum number of hands to be worked each day by the supervisor, and for such days as he works a less number he shall not receive pay.

Pay of supervisors.

Proviso; minimum of hands.

SEC. 21. That any supervisor may contract with any person owing . . . days' of labor to go over the road in his district or any part thereof, after heavy rains, and repair the same; and if such contractor finds the damage greater than he can repair he shall notify the supervisor, who is hereby authorized and directed to order out any person owing . . . days' labor, without giving the two days' notice to do and perform the work on the public road needing repairs.

Contracts for emergency work.

Warning for emergency work.

SEC. 22. That the supervisors of public roads within said county are hereby authorized and directed to construct footbridges over streams of water in their districts, where the convenience of travelers on foot requires same.

Footbridges.

SEC. 23. That each supervisor within his district or districts shall erect and maintain at the expense of the township at the forks or cross of public roads a post and guideboard containing an inscription in legible letters directing the way and distance to the town or towns or other public place situate on each road, respectively, and shall erect and maintain mileposts on said public roads showing the distance from the county seat; and that any person who shall willfully demolish, throw down, alter or deface any

Posts and guideboards.

Mileposts.

Injury to posts a misdemeanor. Punishment.	such guidepost or milepost shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.
Tools.	<p>SEC. 24. That the road trustees of the several townships in said county be and they are hereby authorized to furnish plows, scrapers and other tools as they may deem proper for use upon the public roads of their townships, to be paid for out of any moneys of the township for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof, or by unnecessary exposure to the weather during the time same may be in his possession; and he shall, on the first Monday in May, annually, return the same to said road trustees; the amount of which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the road trustees.</p>
Liability of supervisor.	
Right of way.	<p>SEC. 25. That the right of way of public roads in said county shall be twenty-four feet, and the supervisor, with the approval of the road trustees, shall determine how much of said right of way shall be used for road purposes.</p>
Certificates for material taken.	<p>SEC. 26. That each and every supervisor who shall cut and take away any timber, stone, clay, marl, sand or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district, as is provided in section eight of this act, or otherwise, shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward or the executor or administrator having the lands in charge, from which timber, stone, gravel or other material was taken, as aforesaid, give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purposes for which the same were taken, and upon presentation the road trustees shall allow said certificate, if the same is just, but if not, shall allow such sum, if any, as they may deem fair and just, and any such sum shall be paid out of the funds of said township.</p>
Willful injury to crops or lands a misdemeanor.	<p>SEC. 27. That if the supervisor shall willfully and wantonly injure any crops or cultivated and improved lands in the exercise of the duties devolving upon him in this act, or should fail to conduct the drain and ditches mentioned in section eight of this act to the nearest waterway, ditch or drain, and keep said drain or ditch in repair, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars.</p>
Punishment.	
Snaking logs a misdemeanor.	<p>SEC. 28. Any person engaged in hauling or transporting saw logs or other timber on any public road who shall transport or cause to be transported, by means of chains and grab hooks or</p>

other means, to be made to slide on the roadbed by a method known among lumbermen as "snaking logs," shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not less than thirty days.

SEC. 29. That it shall be unlawful for any supervisor to perform or cause to be performed work on any road not regularly laid out and established as a public road by law. Work on roads not established.

SEC. 30. That at any time during the year when any public road shall be obstructed it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstructions to be removed, for which purpose he shall immediately order out such number of persons liable to do work upon the public roads of his district as he may deem necessary to remove said obstruction. If the person or persons thus called out shall have performed their days of labor upon the public road, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor tax that may be due from such person or persons for the ensuing year: *Provided*, that nothing herein shall be construed as requiring the removal of gates erected to enclose stock-law boundaries in said county. Removal of obstructions.

Certificate for labor.

Proviso: stock-law gates.

SEC. 31. That sections two thousand six hundred and ninety-six, two thousand six hundred and ninety-four and one thousand two hundred and sixty-eight of the Revisal of one thousand nine hundred and five shall govern the establishing and laying out of cartways, except as to duties therein imposed upon the board of supervisors of the township shall devolve upon and be performed by the board of road trustees for the township: *Provided*, that said trustees, in case of appeal, shall require of appellant a bond sufficient to cover the costs of the appeal. Laying out cartways.

Proviso: bonds on appeal.

SEC. 32. That as to unlawful obstruction of public roads and other injury thereto by railroad companies, sections seventy-two, seventy-three, seventy-four and seventy-five of chapter fifty of the Laws of one thousand nine hundred and one shall be and the same are hereby made a part of this act. Obstructions by railroad companies.

SEC. 33. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipts or certificates, shall forfeit for every such offense not less than ten dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace in the proper county; and it is hereby made the duty of the road trustees to prosecute all offenses against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of Forfeit by supervisor for acts set out.

Proviso: appeal.

	any such justice of the peace he may, on giving sufficient security to said justice of the peace for the payment of the cost, appeal to the Superior Court, who shall make such order therein as to
Liability on bond.	them may appear just and reasonable, and shall also be liable on his official bond for any loss resulting from such negligence and wrongful conduct.
Neglect of duty a misdemeanor.	SEC. 34. That any road trustee, supervisor, secretary, treasurer of board of road trustees or other officer of said county of whom any act or duty is required in this act to be done or performed, and who shall neglect or refuse to do any such matter or thing as herein required, shall be guilty of a misdemeanor and fined not exceeding two hundred dollars or imprisoned in the discretion of
Punishment.	the court, and it shall be the duty of the Solicitor of the Sixteenth Judicial District to prosecute all offenses against this act.
Duty of solicitor.	SEC. 35. That the commissioners of said county shall have supervision and control of the bridges of said county, the location, construction, maintenance and repair of the same, and may let such contracts and do all such matters and things in connection with the construction, maintenance and repair of said bridges as are consistent with the best interests of said county and best subserve
Supervision and control of bridges.	the interests of the traveling public, and may, at their meeting in June, one thousand nine hundred and nine, and annually thereafter, levy a tax for the maintenance and repair of such bridges, not exceeding five cents on the one hundred dollars' worth of property, which tax shall be collected as other tax for said county; that it shall be unlawful to ride or drive over the bridges of said county in a gait faster than a walk, and all persons violating this provision shall be fined five dollars and cost.
Bridge tax.	SEC. 36. That all money, tools, road implements, machinery and books now in the hands of any trustee, supervisor or other road officer of any township or road district in said county and belonging to any such township or district at the time this act goes into effect shall be turned over and delivered to his or their successor or successors under this act.
Limit.	SEC. 37. That with the view of getting a proper grade in laying out or mending any public road, as provided in this act, the authorities herein authorized to lay out and locate the same may employ a competent surveyor, who shall be paid by the county for his services.
Speed crossing bridges.	SEC. 38. That all laws and clauses of laws in conflict with this act are hereby repealed.
Money, tools and property now on hand.	SEC. 39. That this act shall be in force from and after the thirty-first day of March, one thousand nine hundred and nine.
Surveyors.	Ratified this the 18th day of February, A. D. 1909.
When act effective.	

CHAPTER 215.

AN ACT TO PREVENT THE SALE OF NEAR BEER AND
LIKE DRINKS IN REIDSVILLE TOWNSHIP, ROCKINGHAM
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any near beer or other drinks as a beverage containing more than one-half of one per cent alcohol, the sale of which requires a United States license; that this shall apply to Reidsville Township, Rockingham County, only.

SEC. 2. That every person, firm or corporation 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.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 216.

AN ACT TO SUPPLEMENT SMITHVILLE TOWNSHIP
GOOD-ROADS FUND.

Whereas, by virtue of chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and eight, passed at the extra session, an election was duly held under said act, good-roads bonds voted by the electors in said Smithville Township, and the same issued and sold to the amount of twelve thousand dollars; and whereas it now appears that there is not a sufficient amount of said fund in hand to complete the work planned and undertaken with said fund, and there will probably be a loss of much that has been expended unless the said fund is supplemented by additional funds to enable the trustees to complete the work; and whereas it is desired to submit to the voters of said Smithville Township, Brunswick County, the question whether or not an additional fund shall be provided by bond issue by said township to further and complete the road work undertaken and further the necessary road work in said township: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Brunswick County shall be and they are hereby authorized, empowered and directed, upon the filing of a petition, signed by at least one-fourth of the qualified voters in said Smithville Township, to order an election and provide for the same to be held in said town-

Question to be
voted on.

ship, and submit to the qualified voters therein the question of the issue of additional township good-roads bonds to supplement the present fund, which question submitted shall be on a sum certain, not to exceed eight thousand dollars.

New registration
not to be ordered.
Law governing
election.

SEC. 2. That the said election shall be held without a new registration, and shall be in all other respects called and held in the same manner and form and under the same regulations as is directed in said chapter one hundred and fifteen of the Laws of one thousand nine hundred and eight for holding the road-bond election in said township.

Issue and sale of
bonds if voted.

SEC. 3. That in case a majority of the qualified voters in said township shall be found to have voted "For Good-roads Bonds" in such election herein provided for, and the said result so declared, the Board of County Commissioners of Brunswick County shall provide and sell to the best advantage the bonds so authorized by said election, and shall number the said bonds consecutively from that number last sold under the former issue, in the same manner and form and under the same provisions of law as are prescribed and provided in said chapter one hundred and fifteen of the Laws of one thousand nine hundred and eight: *Provided*, that the total issue shall not exceed eight thousand dollars and that the rate of interest shall not exceed five per cent per annum, and, further, that no bond shall be sold for less than its face value.

Proviso: amount.

Interest.

Law extended.

SEC. 4. That chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and eight, passed at the extra session, and all and every part and provision therein contained, in so far as it or they may be applicable to the purposes of this act, in so far as it or they do not conflict with the provisions of this act, is hereby enacted, adopted, incorporated and made a part of this act in its full force and effect to further the intents and purposes of the same.

Bond of treasurer.

SEC. 5. That the bond of the county treasurer, as custodian of this fund, shall in its penal sum equal at least the total amount of said fund likely to come into his hands by virtue of his office, to be determined by said board of county commissioners.

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

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

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 217.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CARTERET COUNTY TO BUILD BRIDGES AND TO ISSUE BONDS AND TO LEVY A SPECIAL TAX FOR THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Carteret County may levy a special tax, observing the constitutional equation, if said tax be necessary, to construct bridges over any of the streams of said county and for the purpose of building roads in said county. Special tax authorized.

SEC. 2. That said board of commissioners may also issue and sell bonds, not exceeding thirty thousand dollars, or any part thereof, if they shall deem it necessary to do so, in order to provide funds sufficient for said purpose. Bond issue authorized. Amount.

SEC. 3. That said commissioners are hereby authorized to submit the question of the issuance of said bonds to the qualified voters of said county, on such a day as may be fixed by them, after thirty days' notice, and may in their discretion order a new registration for said election, and that said election and registration shall be held under the rules and regulations that are prescribed for the election of members of the General Assembly. Bond issue to be voted on. Notice. New registration. Law governing election.

SEC. 4. Said bonds, if issued, shall be issued in denominations of one hundred to five hundred dollars, as the board of county commissioners may determine. They shall be dated July first, one thousand nine hundred and nine, and run thirty years from the date thereof; they shall be signed by the chairman of the board of county commissioners and attested by the register of deeds, as clerk of said board, and shall have the county seal affixed thereto; they shall be consecutively numbered, and shall bear interest at a rate not exceeding five per cent per annum, and shall express upon their face the purpose for which they are issued and when and where the same are payable. Denominations. Date and maturity. Authentication. Interest.

SEC. 5. Interest coupons shall be attached thereto, numbered to correspond with the numbers upon said bonds, payable the first day of July and January of each year, and shall bear a facsimile of the signature of the chairman and the clerk of said board. Coupons.

SEC. 6. The commissioners aforesaid may sell all of said bonds or may sell any part thereof, from time to time, at public or private sale, with or without notice, as funds may be required for the purpose aforesaid, within the discretion of said board, but none of said bonds shall be sold for less than their face value, with accrued interest at the time of said sale. Sale of bonds. Sale not below par.

SEC. 7. The clerk of said board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom issued and sold, the amount received for same, and the date on which the same shall mature. Record of bonds.

Sinking fund.

SEC. 8. That said board of commissioners and their successors in office shall create and maintain a sinking fund for the redemption of said bonds at maturity. The amount paid to the sinking fund herein provided shall not be less than three per cent annually of the principal amount of said bonds outstanding under this act, and the said board of commissioners shall require the sinking-fund committee of said county to see that the provisions of this section are complied with: *Provided*, that nothing in this section shall be construed to relieve the said board of commissioners from the duty of creating and maintaining said sinking fund.

Sinking fund committee.

Proviso: county commissioners not relieved.

Special tax for interest and sinking fund.

SEC. 9. That if the current revenues of said county are not sufficient to pay interest on said bonds and to create and maintain said sinking fund, it shall be the duty of said board of commissioners to levy annually and cause to be collected annually, in the usual course and by the usual methods, a special tax, observing the constitutional equation, on all subjects of taxation, sufficient to pay the interest on said bonds and create and maintain the sinking fund herein provided for their final redemption at maturity.

Investment of sinking fund.

SEC. 10. That the sinking fund herein provided may be invested in State, county, municipal or other bonds, or safe securities, or in loans secured by first mortgage on real estate, said loans not to exceed fifty per cent of the assessed taxable value of said real estate; said bonds, securities and loans to bear interest at not less than five per cent per annum.

Omissions and acts of county commissioners declared misdemeanors.

SEC. 11. That if said board of commissioners shall fail or refuse to provide for the payment of said interest and for the creation and maintenance of said sinking fund, as hereinbefore directed, or if said board of commissioners or any other public officers of Carteret County shall apply the funds belonging to said sinking fund to any other purpose, or shall use the same for any other purpose than that provided for in this act, they or either of them shall be guilty of a misdemeanor.

Reports of sinking fund.

SEC. 12. The sinking-fund committee of said county shall report annually to the board of commissioners of said county, at every Jannary meeting of said board, as to the condition of the sinking fund herein provided, showing the amount due said fund and the amount paid the same by said county, and the nature and amount of all investments made of said fund, which report shall be recorded and published.

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

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 218.

AN ACT TO AMEND SECTION 4498 OF THE REVISAL OF 1905, RELATING TO THE LICENSING OF PHYSICIANS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand four hundred and ninety-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section the following: "*Provided still further*, that the said board may, whenever in its opinion the conditions of the locality where the applicant resides are such as to render it advisable, make such modifications of the requirements of this section, both as to application for examination and examination for license, as in its judgment the interests of the people living in said locality may demand, and may issue to such applicant a special license, to be entitled a 'Limited License,' authorizing the holder thereof to practice medicine and surgery within the limits only of the district specifically described therein. The holder of the limited license practicing medicine or surgery beyond the boundaries of the district as laid down in said license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense; and the said board is empowered to revoke said limited license, in its discretion, after due notice. The clerk of the Superior Court, in registering the holder of a limited license, shall copy upon the certificate of registration and upon his record the description of the district given in the license.

Proviso: modifications of requirements.
 Limited license.
 Misdemeanor.
 Punishment.
 Revocation of license.
 Registration of license.

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

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 219.

AN ACT TO AMEND CHAPTER 20, LAWS OF 1908, RELATING TO HOLDING OF COURTS OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of the Superior Court for Onslow County, which, by chapter twenty, Public Laws of one thousand nine hundred and eight, is ordered to be held on the first Monday in March, one thousand nine hundred and nine, shall be postponed and held instead on the second Monday in May, one thousand nine hundred and nine. All summonses, notices, proceedings and pro-

Term postponed.
 Date of term to be held.
 Return of process.

Defendants,
witnesses and
jurors.

esses returnable to said March term, one thousand nine hundred and nine, shall be deemed and held returnable as if originally issued returnable to the second Monday in May, one thousand nine hundred and nine. All defendants bound over, all witnesses subpoenaed and all jurors summoned to appear at said March term, one thousand nine hundred and nine, of Onslow Superior Court, shall be and appear at the term hereby ordered to be held for said county of Onslow on the second Monday in May, one thousand nine hundred and nine, without again being summoned or notified.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 19th day of February, A. D. 1909.

CHAPTER 220.

AN ACT TO PROVIDE FOR LEVYING A SPECIAL TAX FOR PUBLIC ROADS IN MITCHELL COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Sections of re-
visal declared part
of road law.

SECTION 1. That so much of the following sections of chapter sixty-five, Revisal of one thousand nine hundred and five, as do not conflict with this act, be and the same is hereby declared a part of the public-road law of Mitchell County, to-wit, sections two thousand six hundred and eighty-one, two thousand six hundred and eighty-two, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-six, two thousand six hundred and ninety, two thousand six hundred and ninety-three, two thousand six hundred and ninety-five, two thousand six hundred and ninety-seven, two thousand seven hundred, two thousand seven hundred and four, two thousand seven hundred and twelve, two thousand seven hundred and twenty, two thousand seven hundred and twenty-one, two thousand seven hundred and twenty-two, two thousand seven hundred and twenty-three and two thousand seven hundred and twenty-four. Wherever the word "overseer" occurs in either of said sections it shall, for the purposes of this act, be construed to mean "contractor."

Overseer defined
as contractor.

Notice for letting
roads to contract.

SEC. 2. That the commissioners of Mitchell County shall, on the first Monday in June, one thousand nine hundred and nine, and annually thereafter, issue notice that all public roads shall be let to contract to the lowest responsible bidder, at a specified price per mile, in sections of not less than two miles. Said notice shall be immediately inserted in a newspaper for four consecutive weeks, if there be one published in said county, or by posting the same at the courthouse door and two other public places in each township

Publication of
notice.

for thirty days. Said notice shall state that no bids will be considered unless they are written, sealed and addressed to the chairman of said board. Every bid for each section shall briefly and clearly describe the section bid on, giving the number, size and material of which the bridges are to be built or repaired, if any, and the number of miles in each section.

SEC. 3. That on the first Monday in July, one thousand nine hundred and nine, and annually thereafter, the chairman of the board shall, in the presence of a majority of the members thereof and all persons desiring to be present, open said bids filed with said chairman on or before said date, pass upon same and let said contracts to the lowest responsible bidders: *Provided*, the said commissioners may reject any bid that for good reasons is unsatisfactory to said board, and let said section or sections privately, if in their discretion it is deemed best: *Provided further*, that no bid shall be accepted until the bidder shall have filed with the commissioners a justified bond, conditioned for the faithful performance of his duty, in the sum of not less than two hundred nor more than six thousand dollars for each section, said bond to be approved by the board. Said contractor shall be liable upon his bond for damages that may by any person be sustained because of his negligence to keep his road in good condition: *Provided furthermore*, that in the event no bids shall be filed for any part of the public roads, all such roads may be let to contract privately.

Opening of bids and letting of contracts.

Proviso: power to reject bids.

Proviso: bidders to give bond.

Liability on bond.

Proviso: roads not bid for let privately.

SEC. 4. That the board of commissioners shall, at their regular meeting on the first Monday in June, one thousand nine hundred and nine, and annually thereafter, levy a special tax of fifty cents on each one hundred dollars' worth of property subject to taxation, for road and bridge purposes, to be known as the road fund of said county, said tax to be levied and collected as other taxes, and to be faithfully applied as herein set out: *Provided*, the commissioners may, upon the request of the mayor of any incorporated town, allow the authorities thereof to collect and expend the road taxes within said town as they may desire.

Special tax to be levied.

Rate.

Levy and collection.

Proviso: road tax in towns.

SEC. 5. That all able-bodied male persons of said county between the ages of twenty-one and forty-five years shall be subject to road duty and be liable to work on the public roads of said county for four days of ten hours each in every year, the road year to begin on the first day of July, one thousand nine hundred and nine: *Provided*, that no one shall be required to work more than two days consecutively, and that fifteen days shall intervene between each two days' work. The contractor shall give to each person subject to road duty on his section at least three days' notice, except in case of washout, in which case he shall appear and work immediately upon being warned by the contractor, by personal notice or by leaving a written notice at the home or residence of such person, stating when and where the work is to be

Road duty.

Proviso: intervals of work.

Contractor to warn hands.

Warning in cases of washout.

Proviso: com-
mutation.

Receipt for com-
mutation or work.

Failure or refusal
to work a mis-
demeanor.

Punishment.

Pay to township
supervisor.

Dates for in-
spection.

Designation of
inspector.

Reports of
supervisor.

Pay for reports
and mileage.

done, and naming the tool or implement which such person is required to bring, allowing him to work as near his home as may be practicable for the contractor to make or arrange: *Provided*, that any person desiring to do so may pay to the contractor the sum of one dollar per day in lieu of work of each of said days. In case he shall pay the four dollars or any part thereof, or work four days or any part thereof, it shall then become the duty of the contractor to issue to such person a printed stub receipt for the same, stating the amount paid or worked, the year for which the same is paid or worked, which receipt shall be a valid discharge for so much money or work for the year set out in such receipt.

SEC. 6. That any person due free labor who shall fail or refuse to work himself or furnish an able-bodied substitute, after being duly warned and having failed to pay as hereinbefore provided, shall be guilty of a misdemeanor, and shall upon conviction therefor be fined not less than five nor more than twenty dollars or imprisoned not more than twenty days for each offense. If, having been warned and having come to the place appointed to work, he shall fail, neglect or refuse to do reasonable work by idling or "killing time," the contractor may in his discretion discharge him and immediately take him with a warrant for failure to work on the public roads.

SEC. 7. That section two thousand seven hundred and twelve of the Revisal of one thousand nine hundred and five be and the same is hereby amended, so as to authorize the county commissioners to pay such reasonable compensation to one member of the board of township supervisors as shall by said commissioners be deemed sufficient to enable the said supervisor to go over and personally inspect the public roads of his township three times a year, in the last week in March, September and December of each and every year. The said board of supervisors shall designate the member of their board, and the county commissioners shall determine his pay, which shall in no case exceed one dollar per day of ten hours each for every day he shall actually be employed in traveling over and examining the said roads. The said supervisor shall, on the first Monday following each inspection, make and file with the commissioners a brief written report of the conditions of each section of road in his township, stating whether the same is in bad, fair, good or very good condition. He shall also state what permanent improvement or improvements have been made since the last report, if any, suggesting any needed improvement that he may deem advisable and practicable. For each of such reports the commissioners shall pay not less than one nor more than five dollars, at their discretion, and five cents per mile from the home of the supervisor to Bakersville by the usual route of travel. The said supervisor shall, at the same time and in the same report,

swear to the number of days he has actually been engaged in looking over the public roads in his township: *Provided*, the board of supervisors may appoint another than a member of their board to inspect the roads. Proviso: inspector other than supervisor.

SEC. 8. That it shall be the duty of the Sheriff of Mitchell County to make a complete list, in alphabetical order, of all persons between the ages of twenty-one and fifty years, on a separate sheet, for each township, from whom he could collect no poll tax for the previous year ending on July first next preceding, and he shall return the same on the first Monday of August of each year to the county commissioners, whose duty it shall be to transmit such list of insolvents to the chairman of the township supervisors, which said list shall by them be turned over to the respective contractors of the townships in the county. All such insolvents shall be liable for road duty as other hands subject to free labor. Such insolvents shall have the privilege to appear in person or send an able-bodied substitute to work under the road contractor at one dollar per day until such poll tax is fully paid. When any such insolvent shall have by labor paid his poll tax he shall receive a receipt in full, as in cases of free labor on the public roads. If he shall fail to work or pay his poll tax in cash, he shall on conviction be liable to the same penalties as are free laborers, as provided in section six of this act. Lists of insolvents furnished by sheriff.

SEC. 9. That every person, company or corporation desiring to transport over the roads of Mitchell County lumber or logs, or lumber and logs, as the case may be, to the amount of fifty thousand feet, shall, before so doing, obtain from the commissioners of said county a license, and for such license shall pay the sum of ten dollars for the first fifty thousand feet and five dollars for every additional fifty thousand; and every person or company desiring to drag or "snake" logs over any public road in said county shall, before doing so, obtain from the board of commissioners of said county a license, paying therefor not less than two nor more than fifty dollars per annum for each section of not more than two miles over which logs are to be "snaked," all of which moneys shall by the commissioners be turned over to the treasurer of the road fund. Poll tax to be worked out.

SEC. 10. That all public roads which have by the commissioners been surveyed, located and constructed, or partly constructed, prior to the coming into effect of this act shall, by the present board of commissioners, for the purposes of this act, be considered public roads: *Provided, however*, the commissioners may in their sound discretion make any change in the location or grade, or may, if they deem just and proper, entirely reject any particular piece of road believed by them to be impracticable or otherwise undesirable. The commissioners may also, if deemed by them just and proper, order to be surveyed and let to contract at any time, after Receipts for work on poll tax.

Penalty for failure to work or pay poll tax.

License to loggers and lumbermen.

Rate of license.

License for snaking logs.

License fees turned over to road fund.

Public roads defined.

Proviso: changes in roads.

New roads surveyed and let to contract.

Proviso: limit of expenditures.	advertising the same for thirty days, taking bond as hereinbefore provided, any new road: <i>Provided further</i> , that there shall not in any one year be more money expended for repairing and building roads in said county than the fund raised under the provisions of this act.
Prisoners to be worked on roads.	SEC. 11. That all persons confined in the county jail under final sentence of the court for crimes, or imprisoned for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned for nonpayment of costs and all persons who may be sentenced to the State's Prison for a term of not more than ten years may be worked on the public roads of the county, under such rules and regulations as may by the commissioners of said county be deemed reasonable, just and safe: <i>Provided</i> , that no female shall be worked on the public roads.
Proviso: females not worked.	
Convicts from other counties.	SEC. 12. That the said board of commissioners are hereby authorized to accept convicts from other counties of the State sentenced by the Superior Court Judges, whenever in their judgment it is advisable so to do, the cost of transporting such convicts being paid out of said road fund, unless otherwise ordered by said board of commissioners: <i>Provided</i> , that it is optional with the board of commissioners whether convicts shall be worked upon the public roads of said county.
Proviso: working convicts optional.	
Roads withheld from contract if convicts worked.	SEC. 13. That in case the commissioners shall deem it advisable to work convicts upon the public roads, they may withhold from contract, as hereinbefore provided, the public roads of any township in said county or a part of the public roads of any township or townships for the purposes of working convicts thereon.
Road builders employed as inspectors. Duties of inspector.	SEC. 14. That it shall be the duty of the board of commissioners to employ, at a cost not exceeding two dollars per day of ten hours each, one or more practical road builders, whose duty it shall be to travel over and carefully inspect, in the month of June of each year, all the public roads of said county which have during the preceding year been let to contract. He shall, on or before the first Monday in July next after such inspection, file with the board of commissioners a brief written report of the condition of the public roads in the county. He shall state the condition of each section in each township, naming permanent improvements that have during the past year been made, and suggesting any needed improvements. He shall carefully note any negligence of any contractor to do or perform anything he should have done to put and keep in good repair his road. If upon the filing of this report, or that provided for in section seven in this act, it shall appear to the satisfaction of the board of commissioners that any contractor has failed or neglected to comply with the terms of his contract, they may in their discretion refuse payment and relet said section, as herein-
Reports.	
Payment refused for negligence of contractors.	
Sections relet. Suit for penalties.	before provided, and immediately bring suit at the next term of

the Superior Court for the penalty of the bond. He shall likewise state the number of days he has actually been engaged as such inspector of roads; all of which shall be verified.

SEC. 15. That the contractor shall keep a book, in which he is required to carefully record the names of those who did road duty as free laborers, insolvents or otherwise during each quarter, together with the amount of money received from each and the number of days worked by each hand. It shall also be his duty to diligently and carefully inquire and see to it that all persons liable to road duty residing on or near his section pay, furnish an able-bodied substitute or work himself, as provided in this act, swearing out warrants for such enforcement, when necessary. This book of records shall be exhibited and sworn to before the board of commissioners, quarterly, on the first Monday in October, January, April and July in each and every year. That prior to the exhibiting of said report the commissioners shall in no case pay the contractor more than fifty per centum of the amount which may at any time be due him. If upon examination of said report it shall satisfactorily appear that the provisions of this act and the terms of the contract have been fully complied with, they may settle in full, but before settlement at the end of the year, the first Monday in July, one thousand nine hundred and ten, and each year thereafter, the board of commissioners shall carefully scrutinize the report of the road builder, in order to inform themselves whether or not the provisions of this act and the terms of the contract have been fully complied with: *Provided*, that in such final settlement the commissioners shall, from said report of road builder, supervisor, or otherwise, ascertain the amount paid in money and labor; or if they shall from either or all of said sources learn that any contractor has failed, neglected or refused to collect any money which, as such contractor, he should have collected, or if he has failed, neglected or refused to have any and every person liable for road duty pay, labor or furnish a substitute, as provided herein, all such moneys and labor shall by the county commissioners be deducted from the contract price for keeping in repair such section or sections during the entire road year: *Provided further*, that the board of commissioners shall, on or before the first Monday in July, one thousand nine hundred and ten, and annually thereafter, post at the courthouse door the amount of road fund raised under the provisions of this act, the cost of keeping in repair each section, of building each piece of new road, or inspecting in each township, of annual inspection, and the amount of road fund unexpended.

Duties of contractor.

Book of contractor exhibited and sworn to.
Payments to contractors.

Proviso: deductions from contract price.

Proviso: matters to be posted at courthouse door.

SEC. 16. That all steel mattocks, picks, shovels, scrapers, hammers and all other tools for working the public roads of Mitchell County which are now in the possession of the county superintendent or township supervisors of said county, they being the

Tools to be turned in.

property of said county, shall by said supervisors be delivered to the chairman of the board of commissioners on or before the fifteenth day of July, one thousand nine hundred and nine.

Neglect of duty
a misdemeanor.

Punishment.

Provido: section
not to affect sec-
tion 6.

Secretary of state
to furnish copies
of act.

SEC. 17. That any officer, person or company failing, neglecting or refusing to do or perform any duty herein imposed shall be guilty of a misdemeanor, and shall upon conviction therefor be fined or imprisoned, or both (fined and imprisoned), at the discretion of the court: *Provided*, that this section shall not be so construed as to affect or in any way conflict with the provisions of section six of this act. The Secretary of State shall immediately furnish the chairman of county commissioners of Mitchell County with two hundred copies of this act for the use of the road authorities.

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

When act
effective.

SEC. 19. That for the purposes of giving the notice as is provided in section two, and of levying the tax as provided in section four, this act shall be in force from and after the first Monday in June next, and in full force from and after the first Monday in July, one thousand nine hundred and nine.

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 221.

AN ACT TO AMEND CHAPTER 131, PUBLIC LAWS OF 1908, AUTHORIZING THE COMMISSIONERS OF LEE COUNTY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-one, Public Laws of one thousand nine hundred and eight, be amended by striking out all of section three thereof and inserting in lieu thereof the following: "Sec. 3. That for the purpose of paying the accrued interest on said bonds and to provide a sinking fund for the payment of the principal when due, the Board of Commissioners of Lee County shall levy and cause to be collected, annually, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding twenty cents on each one hundred dollars' worth of property and upon each taxable poll a tax of not exceeding forty cents."

Tax for interest
and sinking fund.

Rate.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 222.

AN ACT TO AMEND CHAPTER 987 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE BOUNDARY LINE BETWEEN WILKES AND ASHE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven be amended as follows: In section one, line five, insert after the words "Cross Mountain" the following: "so as to include the present lands of Charles and T. F. Miller in Ashe County." Lands included in Ashe county.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 223.

AN ACT RELATIVE TO FEES OF JUSTICES OF THE PEACE IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all criminal cases where the defendant or defendants are convicted in the Superior Court of Montgomery County, justices of the peace shall be paid their full fees, if any be legally taxed in the bill of cost. Fees allowed on conviction.

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

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 224.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN NASHVILLE AND CASTALIA TOWNSHIPS, IN THE COUNTY OF NASH.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between Nashville and Castalia townships, of Nash County, on the south side of the Nashville and Castalia Road, shall be as follows: Running down the Old Boddie Mill path, or avenue, to the line of L. W. Boddie's land; thence with L. W. Boddie's northern line to Stony Creek. Courses and distances.

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

SEC. 3. That this act shall be in force and effect from date of ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 225.

AN ACT TO DIRECT THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO PUBLISH A STATEMENT OF THE EXPENSES OF THE COUNTY.

The General Assembly of North Carolina do enact:

Itemized statement of accounts and expenses audited to be posted.

SECTION 1. That the county commissioners of Harnett County shall, annually, on or within five days next before the first Monday in December, cause the clerk of their board to make out and certify and have published by posting in a conspicuous place in the courthouse the amount, items and nature of all the accounts and expenses of the county audited by them.

Statement to show expenses for each month.

SEC. 2. That it shall be the duty of the said board of county commissioners, in making the statement required by section one of this act, to cause the same to show the expenses of said county for each month and the items and nature thereof.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 226.

AN ACT TO AMEND SECTION 1319 OF THE REVISAL OF 1905, RELATIVE TO COMMISSIONERS AND JUSTICES OF THE PEACE OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Joint action of commissioners and justices.

SECTION 1. That section one thousand three hundred and nineteen of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out, in line one, the words "counties of Montgomery" and inserting in lieu thereof the word "county"; and amend line two of said section by striking out the first word, "and," in said line, and by striking out in line eleven, after the word "said," the word "counties," and inserting in lieu thereof the word "county."

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 227.

AN ACT TO AMEND CHAPTER 556, PUBLIC LAWS OF 1907,
RELATING TO THE STOCK LAW IN MADISON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter five hundred and fifty-six, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by adding after the words "number twelve," in line three thereof, the following: "Hot Springs, Number Nine; Shelton Laurel, Number Two; Big Laurel, Number Ten; Upper Laurel, Number Eleven; Foster's Creek, Number Sixteen, and Grapevine, Number Fourteen." Townships added to stock-law territory.

SEC. 2. That chapter five hundred and fifty-six, Public Laws of one thousand nine hundred and seven, section four, be and the same is hereby amended by striking out the word "to," in line two thereof, between the words "authority" and "declare," and inserting in lieu thereof the words "and shall." Declaration as to lawful fence.

SEC. 3. That section four of chapter five hundred and fifty-six, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by striking out the word "or," in line two, between the words "range" and "river," and inserting after the word "river," in said line two, a comma, and the words "or the county line or any part of the county line between the counties of Madison and Yancey, and the State line or any part of the State line between the State of Tennessee and the county of Madison, North Carolina." County and State lines.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 228.

AN ACT TO INCREASE THE DUTIES AND PAY OF THE
MEMBERS OF THE BOARD OF COMMISSIONERS OF HAY-
WOOD COUNTY.

That whereas the great increase in the public business and the constant growth of Haywood County has necessarily increased the duties of the county officials: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the chairman of the Board of Commissioners of Haywood County, or some member of said board that he may designate, to spend two days previous to Time spent in office or visiting county home or convict camp.

their regular meeting in each month either at their office in the town of Waynesville or visiting the county home and road convict camp and attending to all other public business that may be required of them by law.

Per diem and
mileage.

SEC. 2. That each member of the Board of Commissioners of Haywood County shall be allowed the sum three dollars (\$3) per day and mileage for the actual time employed in the discharge of their duties.

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

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 229.

AN ACT TO CREATE A NEW TOWNSHIP IN NASH COUNTY,
TO BE KNOWN AS "RED OAK TOWNSHIP."

The General Assembly of North Carolina do enact:

New township
created.
Name.
Territory.

SECTION 1. That a new township be and the same is hereby created in the county of Nash, to be known as "Red Oak Township," to be formed of parts of Stony Creek, Nashville and South Whitaker's townships, in said county, with polling place to be at Red Oak.

Boundaries.

SEC. 2. That the boundary lines of said Red Oak Township shall be as follows: Beginning at the mouth of Parker's Creek, on Swift Creek; thence up said Parker's Creek to the Nashville and Hilliardston Road; thence along the Nashville and Hilliardston Road to where the White Stone Branch crosses said Nashville and Hilliardston Road; thence down said White Stone Branch to where it empties into Pig Basket Creek; thence down said Pig Basket Creek to the Nashville and Red Oak Road; thence along the Nashville and Red Oak Road to where the Rocky Mount and Hunter's Hill Road enters said Nashville and Red Oak Road; thence along said Rocky Mount and Hunter's Hill Road to a point in said road where a public path leading from the Rocky Mount and Red Oak Road by P. A. May's intersects said Rocky Mount and Hunter's Hill Road, just below J. J. Dickens'; thence along said public path to P. A. May's store; thence with a public path leading from P. A. May's store by Joel Price's place to the Rocky Mount and Red Oak Road; thence up said road to a line dividing the estate of George Price and George Gay; thence with said line to the Horse Pen Branch; thence down the various courses of said Horse

Pen Branch and Bynum's mill run to Swift Creek; thence up the various courses of said creek to the beginning.

SEC. 3. That the said Red Oak Township shall have all the rights, powers and privileges now granted to townships by law. Rights, powers and privileges.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 230.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY TO ESTABLISH A CHAIN GANG.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons confined in the county jail of Caldwell County, either under sentence of the court for crime or imprisonment for the nonpayment of fine and costs, shall be available to the county commissioners of Caldwell County for the purpose of working them upon the highways and bridges of the said county; and upon the application of any incorporated turnpike company lawfully authorized to do business in North Carolina and created under the laws of this State, having its principal office in Caldwell County and having an order from the board of county commissioners, it shall be lawful for and the duty of the sheriff or jailer having such prisoners in custody to deliver them to the said turnpike company, and the sheriff or jailer shall be exonerated in case of the escape of any such prisoners: *Provided, however,* that the said turnpike company shall execute a good and sufficient bond, in a penalty to be prescribed by the commissioners of the said county, conditioned that the said company shall well and truly provide for, carefully guard and maintain the said prisoners, under such orders as may be established by the said board of commissioners for the government thereof; and it shall be the duty of the sheriff of said county to appoint some competent deputy for the proper guarding of the said prisoners so delivered to the said company or companies as aforesaid, the compensation of which said guard or deputy shall be paid by the said turnpike company having such prisoners in charge.

Prisoners available for work on highways and bridges.

Prisoners delivered to turnpike company.

Proviso: bond of turnpike company.

Deputy sheriff for guard of prisoners.

SEC. 2. That the county commissioners are hereby authorized to accept convicts from other counties sentenced by the Superior Court Judges, whenever in their judgment it is deemed convenient to do so; and the judges of the Superior Courts are hereby authorized to sentence prisoners from any other counties for misdemeanors and felonies not capital.

Convicts from other counties.

SEC. 3. That upon application of the county commissioners of the county it shall be lawful for and the duty of the judges hold-

Prisoners to be sentenced to road work.

ing courts in said county, also the justices of the peace of said county and mayors of incorporated towns, to sentence to imprisonment and hard labor on the public highways of said county, for such terms as are prescribed by law for their imprisonment in the county jail or in the State's Prison, the following classes of prisoners, to-wit: All persons convicted of offenses the punishment whereof would be, in whole or in part, imprisonment in the county jail or imprisonment in the State's Prison for a term not exceeding two years.

Control and authority of county commissioners.

SEC. 4. That the convicts sentenced to hard labor shall be under the control of the county commissioners of said county, and the said authorities shall have the power to enact and enforce all needful rules for the working of said convicts upon the highways or public works, and they may appoint superintendents for said convicts and such guards and other employees as may be necessary, and commit to the superintendent the custody of the whole or any part of the convict force, and they may authorize and empower him to use only such discipline as may be necessary to carry out the rules and regulations for the working of the public highways or any other work, to the same extent as is allowed by law to the authorities of the State's Prison; and the board of commissioners may in their discretion work said convicts upon other public works in the said county, and whenever in their discretion it seems to them best they may hire out said convicts to any turnpike corporation, as set forth in section one of this act, and may use said convicts to do any work for the improvement of the county home or other county property.

Superintendents.

Discipline.

Other public works.

Convicts hired out.

Safe-keeping of prisoners.

SEC. 5. That for the purpose of equipping and maintaining said convict system the commissioners are hereby authorized to use the county jail for the safe-keeping of said prisoners, or they may establish a convict camp or camps and maintain the same, and to provide for the keeping and maintaining of said convicts and transporting said convicts to and from their work the rules and regulations enacted and enforced by the county commissioners must be in accord with the rules and regulations governing the use of convicts on public roads laid down by the State Highway Commission.

Work directed by proper authority
Escape a misdemeanor.

SEC. 6. The prisoners shall do no work on the highways or other public work unless so directed by the proper county authority. If any prisoner escape he shall be guilty of a misdemeanor.

SEC. 7. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 20th day of February, A. D. 1909.

CHAPTER 231.

AN ACT TO CONFER CRIMINAL JURISDICTION UPON THE
FIRST MARCH TERM OF THE SUPERIOR COURT FOR
THE COUNTY OF NASH.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter five hundred and thirty of the Public Laws of one thousand nine hundred and seven be amended as follows, to-wit: By inserting between the word "March," in the fifth line of that paragraph and said section which begins with the italicized words "Nash County," and the word "and" (being the word next to the last word in said line), the following words, to-wit: "to be for the trial of the criminal docket, divorce cases and such civil cases as both sides may consent to try"; and by striking out, in the seventh line of said paragraph, the clause reading as follows, to-wit: "and to be devoted exclusively to the civil docket," and inserting in lieu of said clause the following words, to-wit, "the last week to be devoted exclusively to the civil docket"; so as to confer upon the first March term of the Superior Court for the county of Nash jurisdiction to try criminal cases.

Trial of criminal docket, divorce cases and civil cases by consent.

Devoted exclusively to civil docket.

SEC. 2. That section two of said chapter be stricken out, and in lieu thereof the following be inserted, to-wit: "Sec. 2. That in order to provide a grand jury and petit juries for the said term to convene on the eighth day of March, one thousand nine hundred and nine, the board of commissioners of the county of Nash is directed, immediately upon the certification of this act to the clerk of the Superior Court of the county of Nash, to assemble at the courthouse in Nashville and proceed to draw a jury in accordance with the provisions of sections one thousand nine hundred and fifty-nine, one thousand nine hundred and sixty, one thousand nine hundred and sixty-one and one thousand nine hundred and sixty-two of the Revisal of one thousand nine hundred and five; and as to said term of the Superior Court for the county of Nash to convene upon the said eighth day of March, one thousand nine hundred and nine, it is hereby expressly provided that the period of twenty days required by section one thousand nine hundred and fifty-nine of the Revisal of one thousand nine hundred and five has no application, but it shall be sufficient and valid if said drawing, as provided for in said section one thousand nine hundred and fifty-nine, shall be made ten days before said term to convene on the eighth day of March, one thousand nine hundred and nine."

Board of commissioners to draw additional jurors.

General law abrogated as to term of March 8, 1909.

SEC. 3. That section three of said chapter be stricken out, and in lieu thereof the following be inserted, to-wit: "Sec. 3. The panel thus drawn, as provided for in section two hereof, shall be

Grand jury to be drawn.

Jurisdiction.

added to and thrown together with the panel of jurors already drawn for said term by said board of commissioners, and from the total of the two panels thus drawn and reported into the court the Judge holding the said term of the court to convene on the eighth day of March, one thousand nine hundred and nine, will proceed at said term to direct a grand jury to be drawn, as is provided in section one thousand nine hundred and sixty-nine of the Revisal of one thousand nine hundred and five; and the said grand jury so drawn is hereby given the same jurisdiction and the same powers which are given by the general law to grand juries drawn in accordance with its provisions."

Provisions limited to term.

SEC. 4. That the provision herein made as to the drawing of a grand jury and petit juries for the said term to convene upon the eighth day of March, one thousand nine hundred and nine, is hereby limited to said term; and for the terms of the Superior Court for the county of Nash thereafter to convene upon the first Monday after the first Monday of March the general law in respect of the drawing of juries and of grand juries shall apply.

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.

SEC. 7. That the Secretary of State, immediately upon the ratification and enrollment of this act, is directed to certify down to the clerk of the Superior Court of the county of Nash a copy of the same, under his hand and the seal of his office, to the end that said clerk may notify the chairman of the board of commissioners of said enactment, and that said board may convene to carry out the provisions of this act.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 232.

AN ACT TO REGULATE FEES OF OFFICERS OF THE
COUNTY OF MADISON.

The General Assembly of North Carolina do enact:

Officers to collect and account for fees.

SECTION 1. That the Sheriff, Clerk of the Superior Court and Register of Deeds of Madison County and their respective deputies shall collect and receive and account for all 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 Madison 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

Fees to be paid into county treasury.

Liability of officers.

therefor; and the moneys so paid in shall be kept by the treasurer Salary fund.
of said county in a separate fund, to be known as the salary fund. Officers to collect fees.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or which may hereafter by any law belong or appertain to their respective offices; and they shall receive as compensation for their services only such salaries, commissions and compensations as is hereinafter provided, and for any abstraction, concealment or misapplication of any of the moneys payable into their respective offices or which any of them have collected, any one of them so abstracting, concealing or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said office or offices and be punished as is now provided by law in cases of embezzlement by public officers. Abstraction, concealment or misapplication of fees a felony. Punishment.

SEC. 3. That each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and a ledger, in which shall be promptly, correctly, truly and accurately entered itemized accounts of all moneys collected or receivable by said officers or which by law are or may be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public, upon demand; and said books shall be safely and securely kept, so as to prevent loss or destruction by theft, fire or accident. Account books. Books open to 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 Madison County to the Auditor of Madison 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 open and kept in a manner to be prescribed and authorized by the auditor or other proper officer of Madison County, who shall have constant supervision of the same. Books kept as prescribed by auditor.

SEC. 6. That the Sheriff of Madison County shall receive a salary of twelve hundred dollars per annum, and he shall be allowed one deputy, at a salary of six hundred dollars per annum; all of whom shall truly, faithfully and diligently perform the duties of said office, as provided by law, the same to be in lieu of all salaries and other compensation as sheriff and tax collector. 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 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: *Provided*, that in case the sheriff shall fail or refuse to make bond for the tax list. Salary of sheriff. Deputy. Allowances from State to be paid over. Proviso: sheriff failing to give bond for tax list.

Salary of tax collector.	list, then he shall receive a salary of nine hundred dollars per annum, and the tax collector who may be appointed shall receive a salary of one thousand dollars, and in this case no allowance shall be made for a deputy sheriff.
Salary of clerk of court.	SEC. 7. That the Clerk of the Superior Court of Madison County shall receive a salary of twelve hundred dollars per annum and
Clerk hire.	and an additional eighty dollars per annum clerk hire during terms of court as full compensation for his services.
Salary of register of deeds.	SEC. 8. That the Register of Deeds of Madison County shall receive a salary of nine hundred dollars per annum as full compensation for his services, including services as clerk to the board of county commissioners and the making out of the tax lists.
Salary of treasurer.	SEC. 9. That the Treasurer of Madison County shall receive a salary of seven hundred and fifty dollars per annum in full compensation for all services required of him by virtue of his office.
Salaries paid in monthly installments.	SEC. 10. That all of the salaries herein provided for be paid by the Treasurer of Madison County to the persons entitled to receive the same, in monthly installments, upon warrants drawn by the board of county commissioners of said county and countersigned by the auditor or other proper officer of said county; and the actual expenses of fuel, foods and clothing for the proper care of prisoners within the county jail 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 Madison County.
Warrants.	
Expenses of prisoners.	
Officers to receive no other compensation or allowance.	SEC. 11. 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 services 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.
Money held as sinking fund.	SEC. 12. That all moneys coming into the hands of the Treasurer of Madison County by virtue of this act shall be held by him as a separate and distinct fund, and this fund shall be held as a sinking fund and applied to the payment of the bonded indebtedness of said county, which shall be deposited by him in some bank within the county of Madison, at a rate of interest of not less than four per cent. 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.
Deposits.	
Accounts with officers.	
Failure or refusal to collect fee a misdemeanor.	SEC. 13. 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 misde-

meanor; and all fees, commissions or emoluments shall be de- Fees collected in
mandated and collected in advance, unless otherwise provided by advance.
law.

SEC. 14. That no civil action shall be hereinafter instituted in Fees in civil
Madison County, unless the fees for the issuance and service of actions.
process shall be collected by the clerk of the Superior Court in
advance of issuing said process, except in actions brought in *forma*
pauperis.

SEC. 15. That all officers shall give bond as now required by Bonds of officers.
law. The commissioners may in their discretion pay the pre- Premiums on
miums on said bonds when made in surety companies. bonds.

SEC. 16. That in the event the sums received by said officers do Fees in case of
not amount to the salary herein designated, then the said officers deficiency of fund.
shall be entitled to the amount of such fees as have been collected
by them, which shall be in full compensation for all services rendered.

SEC. 17. That all laws and clauses of laws in conflict with this
act are hereby repealed.

SEC. 18. That this act shall take effect from and after the first When act
Monday in December, one thousand nine hundred and ten. effective.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 233.

AN ACT AUTHORIZING THE COMMISSIONERS OF McDOW- ELL COUNTY TO INCREASE THE TAX LEVY.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever the Board of Commissioners for Mc- When power to
Dowell County shall find that the tax levy upon the taxable sub- be exercised.
jects of said county, as now authorized by law to be made, is in-
sufficient to meet the payment of outstanding railroad bonds due
by said county, they may, in the exercise of their discretion, on
the first Monday of June of any year during the next five years,
when the general tax levy shall be made, increase the amount of
levy now authorized by law, not exceeding twenty-five cents on Rate of increase.
the one hundred dollars' worth of property, and such correspond-
ing increase upon the polls as is authorized by law, observing the
proper equation between the property and poll tax.

SEC. 2. That this act shall only apply to McDowell County. Application.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 234.

AN ACT TO PROVIDE GOOD ROADS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Petition for election by township.
Election to be held.

Rate of tax to be voted on.

Advertisement of election.

Registrar and poll holders.
New registration.
Law governing election.
Ballots.

Canvass and return of votes.

Special tax to be levied.

Tax rate.

Collection of tax.

Expenditures of road funds.

Relief from road duty.

Powers of county commissioners.

Machinery.
Engineer.

SECTION 1. Upon a petition signed by twenty-five freeholders of any township in Franklin County, it shall be the duty of the county commissioners to hold an election in said township to ascertain the will of the people therein, whether there shall be levied in such township a special annual tax of not more than thirty cents on the one hundred dollars' worth of property and ninety cents on the poll for the purpose of providing better roads. Such election shall be advertised for twenty days preceding the day of election by posting notices at the courthouse door and at three public places in the township. The county commissioners shall appoint a registrar and two poll holders, and may in their discretion order a new registration, and the election shall be held under the laws governing general elections, as nearly as may be. At such election those who favor the levy and collection of the tax shall vote a ballot on which is written or printed "For Good Roads," and those opposing, a ballot on which is written or printed "Against Good Roads." At the close of such election the registrar and poll holders shall canvass and count the votes cast, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of county commissioners, and no other canvass, report or recording shall be necessary.

SEC. 2. If a majority of the votes cast in such an election in any township shall be "For Good Roads," the board of county commissioners shall, annually, in the manner and at the time of levying the county taxes, levy a special tax on all persons and property within such township subject to taxation of not less than ten cents nor more than thirty cents on the one hundred dollars' worth of property and not less than thirty cents nor more than ninety cents on the poll. The taxes so levied shall be collected as other taxes and paid to the county treasurer, to be held by him as the road fund of Township.

SEC. 3. The money thus raised shall be expended under the supervision and control and upon the orders of the county board of commissioners for the making and maintenance of the public roads in such township, and no person in such township shall be liable to road duty.

SEC. 4. The board of county commissioners are hereby given all such powers as may be needed in the providing of good roads for such township or townships. They may purchase such machinery and implements as may be needed and may employ a competent

engineer or surveyor to lay off roads. They may elect a superintendent of roads for one township or one superintendent of roads for two or more townships, and pay him such salary as they may deem best, out of the road fund of the township: *Provided*, that the said superintendent of roads may at any time be removed by the board of county commissioners, after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in such township, and he shall submit to the board of county commissioners a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and lawful bond, to be approved by the said board of commissioners, for the sum of five hundred dollars, as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of the county. In case of the death or resignation or removal of said road superintendent it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said board of county commissioners or until the regular December meeting of said board and until his successor has been elected and qualified.

Superintendent.
 Proviso: removal of superintendent for cause.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Inventories.

Bond of superintendent.

Vacancies.

SEC. 5. That all prisoners confined in the county jail under the final sentence of the court for crime or imprisonment for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs and all persons sentenced in said county to the State's Prison for a term less than five years shall be worked on the public roads of the county: *Provided*, that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each such co-operating county to thereby increase the number of prisoners at work on its public roads at any given time; and upon application of the said road superintendent of the county, or of the chairman of the board of county commissioners, the Judge of the Superior Court

Prisoners to be worked on roads.

Proviso: exchange of prisoners with other counties.

Convicts to be sentenced to work on roads.

Proviso: prisoners sentenced to jail or penitentiary.

Convicts sentenced from other counties and adjoining judicial districts.

Proviso: return of convicts.

Entry on lands for material.

Drains or ditches.

or the judge of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace or said principal officer to assign such persons convicted in his court to said road superintendent for work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal or inferior courts in the county may be sentenced to the penitentiary or to the county jail.

SEC. 6. That when the commissioners of any county shall have made provisions for the expense of supporting and guarding while at work on the public roads a larger number of prisoners than can be supplied from that county, upon the application of the commissioners of said county to the judges of the superior and criminal courts presiding in adjoining counties, or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, such judges may sentence such able-bodied male prisoners as are described in section eight of this act from such adjoining counties or other counties in the same and adjoining judicial districts to work on the public roads of said county or counties applying for the same in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same shall be paid by the county applying for and receiving them out of the road fund of 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.

SEC. 7. That for the purpose of carrying out the provisions of this act the said superintendent 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 lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to the nearest ditch, water course or waste ground, and shall be kept open by the said superintendent or supervisors and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of

forfeiting a sum of not less than five dollars nor exceeding ten dollars or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken, as aforesaid, shall present an account of the same through the road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said landowner or his agent shall have the right of appeal, as provided for in section thirteen of this act.

Forfeit for obstructing drains or ditches.

Accounts for material furnished.

Amount settled by arbitration.

Proviso: right of appeal.

SEC. 8. That, subject to the approval of the board of county commissioners, the superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, 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 landowners or their local representatives forty-eight hours' notice of the time and place when and where said jury will meet to assess damages; and said jury, being duly sworn in, considering the question of damages, shall also take into consideration the benefits to 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 landowner be a nonresident of the county and have no local representative, it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last-known post office address of such landowner seven days in advance of

Location and change of roads.

Claims for damages.

Procedure for assessment of damages.

Proviso: notice to nonresident landowner.

such meeting, and also to post a notice of the same for seven days at the courthouse door of said county.

Repealing clause.

Proviso: acts not interfered with.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed: *Provided*, that nothing in this act shall be understood or construed as in any way interfering with any existing system of township road work in any township already levying a township tax for road purposes in any county coming under the provisions of this act or any system that may be adopted by authority of some special act of the General Assembly.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 235.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DURHAM COUNTY TO ISSUE BONDS TO PAY ITS INDEBTEDNESS.

Preamble.

Whereas there is an outstanding floating indebtedness of Durham County incurred by the board of commissioners in improving roads, building bridges and for other actual and necessary expenditures for said county; and whereas all of said amount is now due and unpaid, and the said county has no available funds to liquidate said indebtedness: therefore,

Preamble.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of funding and paying the floating indebtedness of Durham County the board of commissioners of said county is hereby authorized and empowered to issue the bonds of the county to an amount not exceeding one hundred and fifty thousand dollars (\$150,000), of the denominations not to exceed one thousand dollars (\$1,000) nor less than one hundred dollars (\$100), bearing interest from the date thereof at a rate not to exceed five per centum per annum, with interest coupons attached, payable semiannually, at such time and place as may be deemed advisable by said board of county commissioners; such bonds to be of such form and tenor and transferable in such way and the principal thereof payable at such time or times, not exceeding twelve (12) years from date thereof, and at such place or places as the board of county commissioners may determine:

Denominations.

Interest.

Maturity.

Proviso: bonds not sold below par.

Provided, that none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their face value.

SEC. 2. Such bonds and coupons shall be numbered and shall be signed by the chairman and countersigned by the clerk of the said Board of County Commissioners of Durham County and shall have the corporate seal of said county of Durham impressed thereon. Authentication.

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

SEC. 4. In order to pay the interest on said bonds and to create a sinking fund for taking up said bonds at maturity, the board of commissioners for the county of Durham are hereby empowered and authorized to levy a special tax to meet these demands. The said tax shall be levied and collected as the other county taxes are levied and collected, and shall be imposed upon such property and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State: *Provided*, there shall not be at any time levied in the county of Durham for the purposes of this act a tax in excess of ten cents on the one hundred dollars of property. Special tax for interest and sinking fund.
Levy and collection of tax.
Proviso: limit of tax.

SEC. 5. That said taxes, when collected, shall be kept separate and apart from all other taxes, and shall be used only for the purpose for which it was collected. Specific appropriation.

SEC. 6. It shall be the duty of the said board of county commissioners to cause to be invested any and all moneys of the sinking fund in the purchase of bonds issued under this act, if said bonds can be secured at a price deemed advantageous to the county by the said board of commissioners; but in case said bonds cannot be purchased as aforesaid, the board of commissioners shall invest said sinking fund, upon approved security and upon terms deemed advantageous to the county, or they may deposit the said sinking fund or any part thereof from time to time in any banking institution or trust company in North Carolina of undoubted solvency, at the prevailing rate of interest for such deposits. The interest that shall accrue on the sinking fund shall be invested in like manner as the principal and shall become a part of the sinking fund. The purchases, investments and deposits directed by this section shall be made by the Treasurer of Durham County, under the directions of the board of county commissioners. Investments of sinking fund.
Investments of interest.

SEC. 7. The Treasurer of Durham County shall keep a separate account of the said sinking fund, which said fund shall be kept separate and apart from all other funds or money. Account of sinking fund.

SEC. 8. It shall further be the duty of the said treasurer to keep an account with each bond, showing what coupons and what bonds have been paid, and to whom and when. Accounts with bonds.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 236.

AN ACT TO AMEND CHAPTER 200, PUBLIC LAWS OF 1907,
PROVIDING FOR THE IMPROVEMENT OF THE PUBLIC
ROADS OF SAMPSON COUNTY AND THE APPOINTMENT
OF AN INSPECTOR OF HIGHWAYS FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

Special tax rate.

SECTION 1. That section five of chapter two hundred, Public Laws of one thousand nine hundred and seven, be amended by adding at the end of said section the following: "And the special tax may be made sufficiently large to pay off and redeem annually so many of the outstanding bonds as practicable, in the discretion of the county commissioners."

Meetings of road commissioners.

SEC. 2. That section thirteen of said act be amended as follows: In line one strike out the word "quarterly" and insert in lieu thereof the word "bimonthly." In lines two and three of said section strike out the words "January, April, July and October" and insert in lieu thereof "January, March, May, July, September and November."

Allotment of hands.

Allotment to navigable streams.

SEC. 3. That the township supervisors of Sampson County shall allot annually at their regular meeting in August all the hands of their respective townships to road duty, but in such townships as have navigable streams that require working the supervisors shall allot to each of such streams a sufficient number of hands, and no more, as may be required to give said streams one good working each year, and said hands so allotted shall be liable to road duty as the other hands, but due credit shall be given such river hands, and the number of days engaged on the streams shall be deducted from the number of days they are required to work on the public roads, so that all the hands in each township between the ages of eighteen and forty-five, not exempted by law from road duty, shall work six full days upon the roads and streams of the county each year.

Road duty.

Inspector of highways.

SEC. 4. That the Road Commission of Sampson County shall at their next regular meeting in March, one thousand nine hundred and nine, or as soon thereafter as practicable, elect an inspector of highways for Sampson County, and shall also fix his salary and outline his duties, and such officer shall hold his office for such time as the road commission may designate in his appointment, not to exceed one year, and they shall likewise appoint his successor. He shall meet with the road commission at their meetings, or as often as practicable, and confer with them as to the best methods of constructing and maintaining good roads in Sampson County. He shall also confer with the various township supervisors and various road overseers as much as practica-

Duties of inspector.

ble, and to that end he may arrange his schedule of dates for the working of the roads so as to be present on those dates with the overseer and aid and demonstrate in the actual working of the roads. The inspector of highways shall have general direction and supervision over the overseers and road hands and the plan and methods by which the roads are worked by them, and the overseers shall follow his directions, and any overseer who shall fail and refuse to carry out the orders and directions of the inspector of highways shall be guilty of a misdemeanor for neglect of duty, and upon conviction shall be fined or imprisoned in the discretion of the court. It shall be the duty of the inspector of highways to report to the solicitor of the district all neglect of duty on the part of the township supervisors or the road overseers, to the end that their conduct may be investigated according to law. In addition to the above duties, the road commission may impose such specific duties upon the inspector of highways as may be necessary to insure and maintain good roads in Sampson County.

General direction and supervision.

Refusal to carry out orders a misdemeanor.

Punishment.

Reports to solicitor.

Further duties.

SEC. 5. That the road overseers in Sampson County shall have the power and authority, when summoning the hands of his section to work on the road, to designate what tool or instrument he shall bring, and the overseer may also require such hands as own or have in their control a cart or plow and either a horse, mule or ox to bring either one or both to aid in road construction under the direction of the overseer: *Provided*, that when any hand shall furnish a team and plow, or team and cart, or mule or horses and harness for the drag, he shall be credited with two days' work. Any hand, after being duly summoned to bring such tool or team or implement, as aforesaid, and shall fail or refuse to do so, without just cause, shall be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not exceeding ten days: *Provided*, that any such person so summoned to bring such team, or team and plow, or cart, who shall by twelve o'clock of the day preceding the one appointed for work on the road pay the overseer the sum of two dollars shall be relieved from working on the road for two days, which money shall be used by the overseer in road construction in his section.

Tools for road work.

Machines and teams.

Proviso: allowance for team.

Failure to bring tool, team or implement a misdemeanor.

Punishment.

Proviso: commutation.

SEC. 6. That the road hands shall work on the roads, under the direction of the overseer, not less than eight or more than ten hours each day, and for not less than six days in each year; and any board of supervisors or road overseer who shall fail to keep the public roads under their charge in good condition, or shall fail to keep the public roads made by the convict force in as good condition as when completed by them, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Day's work on roads. Road duty.

Failure to keep up roads a misdemeanor.

Punishment.

Application of act. SEC. 7. That this act shall apply to Sampson County, and shall not change, modify or repeal the general public road law now in
Effect on present road law. existence, except in so far as the same is affected by the provisions of this act.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 237.

AN ACT TO AMEND CHAPTER 210, PUBLIC LAWS OF 1905, AUTHORIZING THE HIGHWAY COMMISSION OF VALLEYTOWN TOWNSHIP, IN CHEROKEE COUNTY, TO ISSUE BONDS FOR MACADAMIZING ROADS.

Preamble. Whereas a petition signed by a majority of the qualified voters of Valleytown Township, in Cherokee County, has been presented to the General Assembly by the highway commission of said township, asking that authority be given the highway commission of said township to issue twenty-five thousand dollars (\$25,000) of coupon bonds of said township, the same to be sold and the proceeds thereof used in paying the necessary expenses of improving and macadamizing the principal public roads of that township: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ten, Public Laws of North Carolina, session one thousand nine hundred and five, as amended by chapter four hundred and twenty-nine, Public Laws of North Carolina, one thousand nine hundred and seven, be further amended by adding to said chapter two hundred and ten, as amended, the following additional sections, to-wit:

Bond issue authorized. "SEC. 15. That in order to provide sufficient funds for the necessary expenses of the Highway Commission of Valleytown Township in improving the public roads under their jurisdiction, the said highway commission is hereby authorized, empowered and directed to proceed at once to the issuance of coupon bonds for Valleytown Township, in Cherokee County, as defined by the
Amount. aforesaid acts of the General Assembly, for an amount sufficient, not exceeding twenty-five thousand dollars, to pay the necessary expenses of constructing, improving and macadamizing the public roads in that township, and to sell the same at public or private
Sale at not less than par. sale, as may appear to the best advantage, at not less than their par value.

"SEC. 16. That the bonds herein authorized shall not be issued and sold until after said bond issue has been approved by a majority of the qualified voters residing in the territory hereinbefore described, at a special election to be called and held for that purpose.

Issue to be approved by majority of voters.

"SEC. 17. That the Board of County Commissioners of Cherokee County are hereby authorized and directed, upon presentation to them of a petition signed by a majority of the highway commission or signed by fifty voters, requesting the same, to call a special election to be held in Valletown Township within thirty days thereafter, at which election the question submitted to the voters shall be whether or not the bond issue herein authorized shall be approved. Due notice of said election shall be given by posting a copy of the order calling the same in three public places in said township, also by advertising the same in some newspaper published in Cherokee County. Said election shall be held under the same regulations as provided by law for the election of members of the General Assembly, except as modified herein.

Petition for election.

Election to be called.

Question to be submitted.

Notice of election.

Law governing election.

"SEC. 18. That at the time of calling said special election the Board of County Commissioners of Cherokee County shall appoint a registrar and two judges for said election. The names of the registrar and judges of election shall be those recommended by the highway commission.

Registrar and judges of election.

"SEC. 19. The registrar shall keep open the registration books for fifteen days preceding said election, and shall register therein all persons applying who may be entitled to vote in said township under the general law. The registration books shall close on the Saturday next preceding the day of the election. No person shall be allowed to vote in said election without being registered as herein provided, unless he shall become qualified to vote after the registration books are closed.

Registration.

Close of registration.

"SEC. 20. In case of any vacancy in the office of registrar the highway commission shall appoint another citizen to act as registrar instead. In case of any vacancy on the day of election the voters present may appoint two competent citizens to act as judges of said election.

Vacancy.

"SEC. 21. At said special election those who favor the issue of bonds as hereinbefore provided shall vote on written or printed ballots the words 'For Good Roads,' and those opposed to the issue of said bonds shall vote on written or printed ballots the words 'Against Good Roads.'

Ballots.

"SEC. 22. The result of said election shall be certified by the judges thereof to the Register of Deeds of Cherokee County, who shall present the same to the board of county commissioners at their next meeting, and the board shall thereupon declare the result of said election and record the same in their minutes.

Certificate of result.

Declaration of result.

- Rate of interest. "SEC. 23. That the said bonds shall bear a rate of interest, to be fixed by the commission, not exceeding six per centum per annum, payable semiannually, principal and interest to be payable at some bank or trust company to be selected by the commission and named in each bond and coupon. Upon the failure or refusal of any bank or trust company so selected to act as agent of the commission in making such payments, the commission may appoint another bank or trust company in the same city to act as its agent for this purpose.
- Denominations of bonds. "SEC. 24. That said bonds shall be issued in denominations of five hundred dollars, or multiples thereof, and they shall be signed by the president of the highway commission and countersigned by the secretary thereof, and have the corporate seal of the commission affixed to each bond, and each interest coupon shall be signed by the secretary, either in autograph or printed facsimile thereof.
- Authentication.
- Corporate seal. "SEC. 25. That the Highway Commission of Valletown Township is hereby authorized and empowered to adopt and use a corporate seal, which seal shall remain in the custody of, and shall be used and affixed to all instruments requiring it, by the secretary of said commission.
- Bonds a valid debt. "SEC. 26. That said bonds, when issued and sold, shall become a valid debt of said township, and shall fall due and become payable as follows: One-tenth of the whole amount shall be due in twenty-one years from date thereof, and in like manner one-tenth of the whole amount shall fall due and become payable each succeeding year thereafter, the last installment falling due in thirty years from its date.
- Maturity.
- Special tax for interest and bonds. "SEC. 27. For the purpose of paying the interest coupons on said bonds, and the principal thereof as they respectively fall due, the Board of County Commissioners of Cherokee County are hereby authorized and directed to levy, annually, at the same time as other taxes are levied a sufficient special tax on all the taxable property and polls in Valletown Township to pay the principal and interest of all of said bonds as the same become due and payable. A sufficient rate of taxation for the purpose aforesaid shall be ascertained and recommended each year by the highway commission to the Board of County Commissioners of Cherokee County, but in the absence of such recommendation it is hereby made the duty of the Board of County Commissioners of Cherokee County, annually, to ascertain and levy a special tax which will be sufficient for the purpose aforesaid.
- Rate recommended by highway commission.
- Collection and settlement of taxes. "SEC. 28. The Sheriff of Cherokee County is hereby authorized and directed, annually, to collect the special taxes aforesaid at the same time and in the same manner as other taxes are collected, and he is hereby required and directed to keep such special taxes separate and to pay over the same immediately after col-

lection to the treasurer for the highway commission, or if there should be a vacancy in that office he shall pay the same over to the County Treasurer of Cherokee County.

"SEC. 29. The official bond of the Sheriff of Cherokee County Bond of sheriff. shall be made of a sufficient amount to cover all of the duties, responsibilities and liabilities incurred by him in the collection and handling of said special taxes, as set forth in this chapter and all other laws concerning the collection of taxes.

"SEC. 30. The official bond of the treasurer receiving the pro- Bond of treasurer. ceeds of the bond sale herein authorized and the special taxes hereafter to be collected shall be of a sufficient amount at all times to cover the largest amount he might have on hand at any time. The amount of said official bond may be reduced by the highway commission from time to time, after the funds in the hands of the treasurer have been reduced, but at no time shall the amount of said bond be less than the amount on hand, plus the next annual levy. Each surety on the treasurer's bond shall Justification of sureties. justify for an amount double his liability on the bond, over and above his homestead exemption, or if a surety-company bond is Bond in surety company. accepted the commission is authorized to pay the cost of same.

"SEC. 31. It shall be the duty of the treasurer receiving said Specific appropriation of taxes. special taxes to keep the same separate and apart from any other funds he may have on hand, and to use the same wholly for the purpose of paying off the interest coupons and the principal of said bonds as they respectively mature: *Provided*, any surplus Provide: surplus. left in any one year, after paying the coupons and bonds falling due in that year, shall be used in improving and keeping in order the public roads of said township.

"SEC. 32. That it shall be the duty of the highway commission Sale of bonds and use of proceeds. to sell, as soon as may be, the bonds herein authorized, and to proceed at once to use the proceeds thereof in paying the necessary expenses of locating, relocating, grading, macadamizing and otherwise improving the principal roads leading from the town of Andrews as far in each direction as may be found practicable and just to the inhabitants, and likewise in improving such parts of the public roads leading from the stations of Topton and Rhodo, and elsewhere, as may be found practicable and just to the inhabitants of each section, taking into consideration the volume of traffic passing over each road that is improved.

"SEC. 33. The standard width of the principal roads in said Width of roads. township shall be thirty feet, except in cuts and over fills and through rock, where the width may be less, as may be fixed by the commission.

"SEC. 34. That in order to carry out the improvements herein Road engineer. authorized, the highway commission is authorized to employ a competent road engineer, fix his compensation and prescribe his duties. The commission is authorized to purchase all the neces- Machinery, tools and materials.

Work let to contract.	sary machinery, tools, blasting and other materials and appliances wherewith to construct, improve and macadamize any road selected for that purpose as aforesaid. The commission is authorized to let any work of grading or macadamizing by contract to the lowest responsible bidder, who shall give a solvent bond for the faithful performance of all the conditions of his contract, or they may have the work done under the supervision of a competent superintendent.
Right of condemnation of material.	"SEC. 35. The highway commission is hereby authorized and empowered to purchase, or condemn where they may be unable to acquire the same by agreement, such timber, quarries, stone, gravel, earth and rights of way leading to the same, as may be necessary in the opinion of the commission to be used in improving the public roads. All condemnation proceedings, as aforesaid, shall be the same as are now authorized for the laying out of public roads, except that the decision of the jury or court reviewing the same shall be for a specified amount of damages, and not that the commission shall not have the property or rights desired.
Condemnation proceedings.	"SEC. 36. The highway commission is hereby authorized and empowered, at any time, upon the receipt by them of a petition signed by a majority of the qualified voters residing in said township, to make and publish, by posting a copy thereof in three public places in said township and by advertising the same for thirty days in some newspaper published in Cherokee County, all such reasonable rules and regulations as they may deem just and proper, prescribing the minimum width of tires that may be used on carts and wagons carrying freight over the public roads between points within said township. The commission may require all freight wagons and carts thereafter sold, purchased or rebuilt to be used in said township to have tires not less than the minimum width and to be made nontracking.
Regulation of tires.	"SEC. 37. Each petition for the establishment of such rules and regulations shall have a copy of all such rules and regulations attached thereto, and after said rules and regulations are passed and adopted by the commission, as aforesaid, they shall go into effect at a date to be fixed by the commission, and after posting, advertising and filing a certified copy of the same with each justice of the peace in the township and also in the office of the Clerk of the Superior Court of Cherokee County.
Date when regulations effective.	"SEC. 38. It is hereby made unlawful for anyone to violate or fail to comply with any of said rules and regulations, after the same shall have become effective, and anyone found guilty of willfully violating any of said rules and regulations, after trial before a justice of the peace of said township, shall be subject to a fine of not less than five dollars nor more than twenty dollars, with costs.
Advertisement.	
Fine for violation of regulations.	

"SEC. 39. It is hereby made the duty of the highway commission, their superintendents and foremen to enforce all such rules and regulations as aforesaid, and to complain against anyone violating the same before some justice of the peace in said township, and any citizen may make such complaint on personal knowledge of such violation. Enforcement of rules and regulations.

"SEC. 40. After such rules and regulations concerning tires and the manner of construction of freight wagons and carts to be used in hauling freight between points within said township have been adopted by the commission and have become effective, as hereinbefore provided, they shall have the effect of law in Valletown Township, and shall not be repealed thereafter without the consent of the General Assembly. Rules and regulations to have effect of law.

"SEC. 41. Wherever the word 'commission' or 'highway commission' is used in this chapter it shall be held to mean and to refer to the 'Highway Commission of Valletown Township,' as created by chapter two hundred and ten, Public Laws of North Carolina, session one thousand nine hundred and five. Commission and highway commission defined.

"SEC. 42. Wherever the word 'township' is used in this chapter it shall be held to mean and refer to all that part of Valletown Township, in Cherokee County, lying and being eastward of the north and south line bisecting Valletown Township, as fixed and described in chapter four hundred and twenty-nine, Public Laws of North Carolina, session one thousand nine hundred and seven. Township defined.

"SEC. 43. All laws and clauses of laws in conflict with this chapter are hereby repealed, so far as said laws now apply to that part of Valletown Township, in Cherokee County, described in the next preceding section."

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 238.

AN ACT TO FIX THE TIME FOR HOLDING THE TERMS OF THE SUPERIOR COURTS OF THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter the terms of the Superior Courts for the county of Pitt shall begin and be held as hereinafter designated.

SEC. 2. That said court shall begin and be held, for the trial of criminal causes only, in each and every year, as follows: Seventh Monday before the first Monday in March, the seventh Monday Terms for trial of criminal cases.

after the first Monday in March, the second Monday before the first Monday in September, and on the ninth Monday after the first Monday in September; that said terms shall continue for one week only, and shall be designated as the January, April, August and November terms of the criminal courts; that a grand jury shall be drawn, sworn and charged for each of said terms; that all criminal processes returnable to the Superior Court shall be returnable to the appropriate term of said criminal court.

Terms for trial of civil cases only.

SEC. 3. That said court shall begin and be held, for the trial of civil causes only, as follows: On the sixth Monday before the first Monday in March, the second Monday after the first Monday in March, the eighth Monday after the first Monday in March, and the eleventh Monday after the first Monday in March; on the first Monday before the first Monday in September, on the second Monday after the first Monday in September, on the tenth Monday after the first Monday in September, and on the fourteenth Monday after the first Monday in September; that the terms beginning the second Monday after the first Monday in March and on the second Monday after the first Monday in September shall continue for two weeks each, and all the other civil terms provided for in this section shall continue one week each, and that all of said terms shall be for the trial of civil causes only, and shall be designated, respectively, as the January, March, April, May, August, September, November and December civil terms of said court; that all civil processes of any kind shall be returnable to the appropriate civil term of said court.

Designation of terms.

Civil process returned.

Repealing clause.

Return of process and appearance of persons.

SEC. 4. That all laws and parts of laws in conflict with this act are hereby repealed, and all processes issued or orders made before this act goes into effect, the return of which may be changed by this act, shall be returned to the next succeeding term, and all persons required to appear according to the terms fixed by this act.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 239.

AN ACT TO VALIDATE THE ACTS OF JUSTICES OF THE PEACE OF SAMPSON COUNTY.

Preamble: neglect of magistrate to qualify.

Whereas B. Matthews, a justice of the peace of Sampson County, upon his re-election to said office in one thousand nine hundred and six, inadvertently neglected to qualify and did not qualify until his re-election in one thousand nine hundred and eight, but during said period continued to officiate and perform the duties

of a justice of the peace, which office he was filling at the time of the election in one thousand nine hundred and six, and has filled for many years prior thereto; and whereas said B. Matthews, so acting as justice of the peace between the elections in one thousand nine hundred and six and one thousand nine hundred and eight, officiated in the performance of the marriage ceremony between Sitter Murphy and Milly Wright and between Owen Matthis and Bettie Smith, and took acknowledgment to certain deeds and mortgage deeds, and entered certain judgments on his justice's docket, and also officiated as road supervisor, the functions of which office are performed by justices of the peace in said county: therefore,

Preamble: acts as justice.

The General Assembly of North Carolina do enact:

SECTION 1. That said official acts of B. Matthews are hereby declared in all respects valid and legal, and are hereby ratified and confirmed.

Acts declared legal and valid.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 240.

AN ACT PROVIDING FOR THE MAINTENANCE OF PUBLIC ROADS IN STEEL'S TOWNSHIP, IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Board of Commissioners of Richmond County, at the time for levying other taxes, to levy and assess annually against all real and personal property and polls in Steel's Township, in said county, a sufficient special tax to work, maintain and keep in repair the public roads of said township, not exceeding forty cents on the one hundred dollars' worth of property and one dollar and twenty cents on the poll; said special tax to be collected as other taxes in the county are collected, and to be used and disbursed upon the order of the township road commissioners of said township, as now provided by law.

Special tax to be levied.

Limit of rate.

Collection and use of tax.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 241.

AN ACT PROVIDING FOR THE MAINTENANCE OF PUBLIC
ROADS IN MINERAL SPRINGS TOWNSHIP, IN RICHMOND
COUNTY.*The General Assembly of North Carolina do enact:*Special tax to be
levied.

SECTION 1. That it shall be the duty of the Board of Commissioners of Richmond County, at the time for levying other taxes, to levy and assess annually against all real and personal property and polls in Mineral Springs Township, in said county, a special tax sufficient to work, maintain and keep in repair the public roads of said township, not exceeding forty (40) cents on the one hundred dollars' valuation of property and one dollar and twenty cents (\$1.20) on the poll; said special tax to be collected as other taxes in the county are collected, and to be used and disbursed upon the order of the township road commissioners of said township, as now provided by law.

Limit of rate.

Collection and
use of tax.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 242.

AN ACT TO PREVENT THE DUMPING OR PLACING OF
DEAD BODIES, SAWDUST AND OTHER IMPURITIES IN
REDDIE'S RIVER AND ITS TRIBUTARIES, IN WILKES
COUNTY.*The General Assembly of North Carolina do enact:*Unlawful to dump
sawdust in river
or tributaries.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to place or dump any sawdust into Reddie's River or any of the tributaries thereof in the county of Wilkes.

Dead bodies and
other deleterious,
and offensive
matter.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation to dump or deposit the dead body of any animal or fowl into Reddie's River or its tributaries in Wilkes County, or to so leave any dead body of any animal or fowl or any other deleterious and offensive animal or vegetable matter on top of the ground on the slopes draining into said river or its tributaries.

Burial of animals
and fowls.

SEC. 3. That any person or persons living and being along the drainage basin of said stream and its tributaries shall bury all dead animals or fowls which have died along said river or the slopes of land draining into said river or its tributaries, at least three feet under the ground, at some place where the water from rains, snows or storms will not gather and drain from such dead

bodies, decaying vegetable matter or other deleterious substances into said stream or its tributaries.

SEC. 4. That any person or persons violating the provisions of Misdemeanor. this act shall be guilty of a misdemeanor, and on conviction thereof Punishment. shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 5. That this act shall go into effect on the first day of July, When act effective.
A. D. one thousand nine hundred and nine.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 243.

AN ACT TO REPEAL CHAPTER 885 OF THE PUBLIC LAWS OF 1907, PROHIBITING FISHING IN LITTLE RIVER, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and eighty-five of the Repeal. Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby repealed.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 244.

AN ACT PROVIDING FOR THE MAINTENANCE OF PUBLIC ROADS IN BLACK JACK TOWNSHIP, IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Board of Commissioners of Richmond County, at the time for levying other taxes, Special tax to be levied. to levy and assess annually against all real and personal property and polls in Black Jack Township, in said county, a special tax sufficient to work, maintain and keep in repair the public roads of said township, not exceeding forty cents on the one hundred dollars' valuation of property and one dollar and twenty cents on the poll; said special tax to be collected as other taxes in the county are collected, and to be used and disbursed upon the order of the township road commissioners of said township, as now provided by law. Limit of rate. Collection and use of tax.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 245.

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

The General Assembly of North Carolina do enact:

Board of trustees constituted.	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 elected 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: <i>Provided</i> , that the position of trustee shall not constitute an office within the meaning of Article Seven, section fourteen, of the Constitution of North Carolina.
Terms of office.	
Election of successors.	
Vacancies.	
Proviso: trustee not an officer.	
Trustees incorporated	SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Franklinton Township," and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or device; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.
Corporate name.	
Corporate powers.	
Duties and powers of trustees.	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: <i>Provided</i> , nothing in this act shall be construed to apply to bridges over Tar River.
Proviso: bridges over Tar river.	
Organization.	SEC. 4. The board of trustees shall annually elect a chairman and secretary and a treasurer. The treasurer shall have charge of all road funds of the township, and may be required to give bond in sufficient amount to cover funds coming into his hands.
Duties and bond of treasurer.	
Executive committee.	The board of trustees shall annually elect three of their number, who shall constitute and be known as the executive committee. This committee shall meet at stated intervals, as may be directed by the trustees, shall have a chairman and secretary, shall order and issue vouchers for payment of general expenses connected with working roads and the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of said committee and a record thereof kept; and the board of
Meetings, organization and powers of executive committee.	

trustees may delegate to said executive committee any and all of its powers, except that of issuing bonds.

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*, 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.

Superintendent
of roads.
Compensation.

Term of office.
Proviso: power
of removal.

Duties of super-
intendent.

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, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person shall be subject to road duty.

Machinery and
implements.

Engineer or
surveyor.

Proviso: no road
duty.

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 carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair such roads, and enter upon any lands adjoining or lying near such roads, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person, and any person obstructing such drain or ditch shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. If the owner of any land from which timber, stone, clay, gravel or sand were taken, as aforesaid, shall present an account for the same through said superintendent to said board or executive committee within thirty days after the taking thereof, it shall be the duty of said board to pay for same at a fair price; and in case of any disagreement as to the value the superintendent of roads shall appoint one freeholder, the person claiming the damages a second,

Entry on land
for material.

Drains and
ditches.

Obstruction of
drains and
ditches.

Punishment.
Accounts for ma-
terial taken.

Arbitration.

and these two a third, which said three freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Location and
change of roads.

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

Claims for dam-
ages.

Procedure for
assessment of
damages.

Bond issue
authorized.

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 forty thousand dollars, of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board; said bonds to be signed by the chairman and secretary of said board, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be 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.

Amount.

Interest.

Authentication.

Maturity.

Sale of bonds at
not less than par.

Liability for
payment.

SEC. 10. That for the purpose of providing for the payment of Special tax, 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 thirty-five cents on the one hundred dollars' assessed valuation of property and not less than forty-five cents and not more than one dollar and five cents on each taxable poll. The Collection of tax, taxes so levied shall be collected as other taxes are collected, and paid to the treasurer of said board of road trustees.

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 Board of County Commissioners of Franklin County. For the holding of said election the said county commissioners shall appoint a registrar and two poll holders and any other officers necessary to said election, and shall order a new registration. At the close of said election said registrar and poll holders shall count and canvass the vote cast, and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of commissioners, and no other canvass, report or recording shall be necessary. At said election all voters who shall favor the issue of bonds, the levy of the special tax and the other provisions of this act shall cast ballots on which shall be printed or written "For Good Roads"; those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," then said bonds shall be issued and said tax levied, and the other powers and duties exercised as provided for in this act: *Provided*, that if a majority of said qualified voters shall fail to vote "For Good Roads," said board of county commissioners shall order another election or elections, to be held in the manner and with the same effect as above provided, at any time within four years of the date of the first election, when requested to do so by said board of trustees.

SEC. 12. That all funds derived from the sale of any bonds by said board of trustees 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.

Election to be held.

Registrar and poll holders.

New registration.

Canvass and return of votes.

Ballots.

Law governing election.

Result of election.

Proviso: further elections.

Specific appropriation of proceeds of bonds.

Labor.

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

No money used on streets of town.

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

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

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 246.

AN ACT TO AMEND CHAPTER 647, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Salary.

SECTION 1. That chapter six hundred and forty-seven, Public Laws of one thousand nine hundred and seven, be amended as follows: Strike out in section one the words "six hundred" and insert in lieu thereof the words "nine hundred dollars."

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 247.

AN ACT TO PROTECT FISH IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Open season.

SECTION 1. That it shall be unlawful to catch or destroy fish in the waters of Hazel Creek or Forney's Creek, in Swain County, or any of the tributaries, except between the fifteenth day of April and the first day of August, inclusive, of each year.

Limit of number and size of fish.

SEC. 2. That it shall be unlawful for any person to take more than twenty-five fish in any one day from the waters aforesaid, and that no person shall take and retain from the said waters any fish under the length of five inches.

SEC. 3. That in order to enforce the provisions of this act the Warden.
 following persons are appointed wardens for the said waters, to-
 wit: For Hazel Creek, Dock Jones, Judd Hall, W. C. Calhoun,
 G. I. Calhoun and John Calhoun; for Forney's Creek, S. W. Mon-
 teith, A. C. Hoyle, J. A. Hoyle, J. P. Crisp and W. R. Broom. And
 it shall be the duty of said wardens to examine the fish of all
 persons whom they may find fishing in said waters, and the said
 wardens, or either of them, are hereby authorized to make arrests
 of all persons violating the provisions of this act, after procuring
 a warrant from some justice of the peace in the township in which
 the offense was committed, when such violations come within the
 observation of any of them; and it shall be the duty of the said
 wardens making such arrest to take the offender before a justice
 of the peace for trial. Duty and power
of wardens.

SEC. 4. That any person violating the provisions of this act or Acts declared
 who refuses to submit to the examination of their fish by the war- misdemeanors.
 dens or either of them, as provided in section three hereof, shall be
 guilty of a misdemeanor, and upon conviction shall be fined not
 less than five dollars nor more than fifty dollars, or imprisoned
 not less than ten nor more than thirty days. Punishment.

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 ratifi-
 cation.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 248.

AN ACT TO CREATE A SUPERINTENDENT OF AGRICUL- TURE AND SANITATION FOR THE COUNTY OF GUIL- FORD.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Guilford County
 are hereby empowered, if in their judgment it shall be for the
 best interests of said county, to employ some person educated and
 skilled in agriculture and sanitation, who shall be a bacteriologist,
 to assist in building up the agricultural interests of the county
 and the protection of the health of its inhabitants. County commis-
sioners authorized
to make employ-
ment.

SEC. 2. That said board shall fix his compensation and the time
 for which he shall be employed. Compensation and
term of office.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 249.

AN ACT TO REGULATE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Salary of
chairman.

SECTION 1. That on and after the first day of January, one thousand nine hundred and nine, the chairman of the board of commissioners of the county of Robeson shall be allowed the sum of three hundred dollars each year in full for his services and mileage as a member and chairman of said board.

Salary of other
members.

SEC. 2. That each member, other than the chairman, of the board of commissioners of the county of Robeson shall be allowed the sum of two hundred dollars each year in full for their services and mileage as members of said board.

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

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 250.

AN ACT TO AMEND SECTION 4969 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Rates of pilotage.

SECTION 1. That section four thousand nine hundred and sixty-nine of the Revisal of one thousand nine hundred and five be amended by striking out all of said section beginning at the word "for," in line two to and including the word "foot," at end of line four, and inserting in lieu thereof the following: "For vessels drawing eight feet and under, two dollars per foot; ten feet and over eight, two dollars and fifty cents per foot; twelve feet and over ten, three dollars and fifty cents per foot; all over twelve feet, four dollars per foot."

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

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 251.

AN ACT AUTHORIZING BUILDING STOCK-LAW FENCE IN
LILLINGTON AND STEWART'S CREEK TOWNSHIPS, IN
HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a good and sufficient fence shall be run, beginning at the stock-law gate near D. J. Parker's residence, in Stewart's Creek Township, in Harnett County, along the east side of the Averasboro and Lillington Road, crossing Upper Little River at Kivett's bridge; thence the most practical route to be determined by the overseer to the gate at the residence of S. D. Brantly; thence on the east side of the road leading from said Brantly's residence to the residence of Miss Bettie Pipkin; thence up the eastern side of said Averasboro and Lillington Road to where the land line of Miss Bettie Pipkin crosses said road; thence with her line, crossing said road, to a point near the negro schoolhouse; thence with Miss M. H. McNeill's fence as it now runs to the Telegraph Road; then crossing said road and running as John A. McLeod's fence now runs to the back corner of the Marshall field; then as the fence around said field now runs to the gate on the Averasboro and Lillington Road between O. J. Spears' estate and the lands of Mrs. James Pearsall; thence as the line of said lands to Cape Fear River; then down Cape Fear River to the mouth of Upper Little River; thence up said Little River the most practicable route to the beginning; said route to be selected by the overseer.

Fence to be run.
Beginning and
route.

SEC. 2. That said fence and the Cape Fear River to the mouth of Upper Little River shall be the only fence required by law for the protection of crops in the district enclosed. Owners of stock at large in the district shall be liable for all damages done by said stock, and shall for knowingly or negligently permitting any stock to go at large be deemed guilty of a misdemeanor for each and every offense, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Lawful fences.

Owners of stock
liable for damage.

Permitting stock
to run at large a
misdemeanor.

Punishment.

SEC. 3. The Board of Commissioners of Harnett County shall appoint, on the first Monday of April of each year or at the next regular meeting thereafter, one registrar in said district, whose duty it shall be to register all descriptions of live stock taken up or impounded, and shall receive twenty-five cents for each registration so made; said registrar shall keep such register open at all times for inspection, Sundays excepted.

Registrar for
impounded stock.

Fee for registra-
tion.
Register open for
inspection.

SEC. 4. The commissioners of said county shall have power to remove said registrar and to appoint his successor.

Power to remove
registrar.

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

Stock taken up
and impounded.

<p>Proviso; description of stock to be filed.</p> <p>Charges for impounding and keeping stock.</p>	<p>same in the district where said stock is thus taken up: <i>Provided, however,</i> that the person taking up the said stock shall file a description of said stock with the registrar of the district, and each person so taking up and impounding the said stock may demand fifty cents for each animal so taken up, and twenty-five cents per head for each day that said stock is kept impounded, and also the registration fee, and may retain the said stock until all legal charges for impounding the same and for damages caused by said stock are paid.</p>
<p>Time within which owner must redeem stock.</p>	<p>SEC. 6. That if the owner of any live stock so impounded refuses or neglects to redeem said stock within twenty days after said description is filed with the registrar, the impounded stock shall,</p>
<p>Notice of sale.</p>	<p>after ten days' written notice, posted at three or more public places in said district where said stock is impounded, describing the same and stating place, day and hour of sale, sell said stock at public auction and apply the proceeds 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 known, and if the owner be not known, to the township trustees of the township in which said stock is impounded, for the benefit of the public schools therein.</p>
<p>Sale and disposition of proceeds.</p>	
<p>Assessment of damages.</p>	<p>SEC. 7. That upon the written application, under oath, of any person, stating that he has suffered damages by reason of stock running at large in the said enclosed district, any justice of the peace in the township shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming the said stock before it is delivered, and in case of sale, before the owner shall be entitled to demand any part of the proceeds of said sale. Any person who shall suffer damages by reason of said stock running at large therein may recover double the amount of damages sustained by an action against the owner of said stock; and if any person shall willfully, with gun, dog or otherwise, unreasonably chase, worry, maim or kill any such stock or permit or cause the same to be done when trespassing upon his land or crops, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty and not less than ten days.</p>
<p>Double damages.</p>	
<p>Injury to stock a misdemeanor.</p>	
<p>Punishment.</p>	
<p>Misappropriation of money or other violation of act a misdemeanor.</p>	<p>SEC. 8. That any impounder willfully misappropriating money that he may receive under this act, or in any manner willfully violating any of its provisions, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.</p>
<p>Punishment.</p>	
<p>Unlawful release a misdemeanor.</p>	<p>SEC. 9. That any person unlawfully rescuing or releasing any impounded stock, or attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.</p>
<p>Punishment.</p>	

SEC. 10. That the word "stock" in this act shall be construed to Stock defined.
mean horses, mules, jacks, jennets, colts, cows, calves, sheep,
goats and all such cattle or swine.

SEC. 11. That J. W. Pipkin is hereby appointed overseer of said fence for the year one thousand nine hundred and nine. He shall have said fence put up and gates erected on the public highways by the first of April, one thousand nine hundred and nine, and shall apportion the cost of constructing said fence and gates among the landowners of said district according to their land tax in the district. Should anyone fail to pay, the overseer shall deliver the amount to the sheriff, who shall collect it with their other tax, together with two per cent on the amount.

Overseer of fence.
Time for erection
of fence and gates.

Apportionment
of cost.

Collection of
apportionment.

SEC. 12. That the commissioners of Harnett County, at their first meeting in each and every year, shall appoint some landowner of said district overseer of said fence, whose duty it shall be to keep it in good repair, at the expense of said landowners and by the means aforesaid. As compensation for his services he shall receive two dollars for each day actually employed, and shall not be compelled to serve more than one year in five. For a willful neglect of the duties imposed in this section he shall be guilty of a misdemeanor.

Appointment of
future overseers.

Duty.

Compensation.

Neglect of duty a
misdemeanor.

SEC. 13. Said overseer shall have power to take the necessary timbers from the landowners of said district to construct and repair said fence. The owners of said timber may receive for it what may be agreed upon, or, if there be disagreement, what two men may say it is worth; one of said persons to be selected by the overseer and the other by the owner of the timber, and if the two do not agree they shall select a third person as umpire.

Power to take
timber.

Payment for
timber.

SEC. 14. Said fence shall be built with gates upon all the public highways leading through said district, by the first of April, one thousand nine hundred and nine, and when completed it shall be the duty of the overseer to give public notice by advertising in three public places in said district of the establishment of said fence, and from and after ten days from the date of such publication the provisions of this act shall go into operation and take effect.

Gates on high-
ways.

Notice of estab-
lishment.

When act
effective.

SEC. 15. It shall be lawful to erect gates where said fence crosses the public roads, and anyone owning land within the enclosed district has the privilege of erecting at his own expense private gates in the said line of fence.

Gates across
public roads.
Private gates.

SEC. 16. That any person who shall willfully leave open, impair or destroy any fence or gate on the line of fence provided for in this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars nor less than ten dollars, or imprisoned not exceeding thirty nor not less than ten days.

Leaving open
gates or injury to
fence a misde-
meanor.
Punishment.

SEC. 17. This act shall take effect from and after its ratification.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 252.

AN ACT TO RELEASE A CERTAIN PART OF McDOWELL COUNTY FROM THE STOCK LAW.

The General Assembly of North Carolina do enact:

Boundary.

SECTION 1. That the following boundary shall be released from the stock law in McDowell County, to-wit: Beginning on top of the Blue Ridge at Dr. M. F. Morplew's fence and runs with his fence to Three Mile Creek; then down said creek to Armstrong Creek; then crossing said creek and running down on the west side of said creek to Wait Queen's fence; then with the foot of the hills and outside fences to Lime Kiln Creek; then up said creek to Sandstone Branch; then up the west side of said branch to the Widow Wilford Huskin's; then a straight line to J. C. Hensley's fence, on Tom's Creek; then with his west boundary fence to A. M. Hensley's fence; then with his west boundary fence to C. W. Godfrey's fence; then with his fence the nearest route to the head of Andy Branch; then down said branch to J. S. Callis' fence; then with said fence to Snipes' fence; then with said fence to W. E. Byrd's fence; then with his fence to Buck Creek, crossing said creek and the Burnsville Road, to Mrs. Gowan's fence; then with her outside fence to the Mosley Branch, and with said branch to Yellow Gap; then a direct line, crossing Clear Creek, to Hoover Mountain; then a direct course to the old stock-law fence on Mackay's Creek; then with the old stock-law fence, or foot of the mountains, to Mill Creek; then to the top of the Blue Ridge to the Buncombe County line; then with McDowell County line to the beginning.

Lands taxed for fence.

SEC. 2. That the parties only who live inside of said boundary, together with all real estate in said boundary owned by parties who live outside of said boundary, shall be taxed to make and keep a fence around said boundary.

Fence commissioners.

SEC. 3. That A. M. Hensley, W. E. Byrd, Alex. Silver, Erwin Grindstaff and Waits Queen are hereby appointed fence commissioners, and as such it shall be their duty to provide for the building and keeping in repair a suitable fence, not less than four and a half feet high, around said territory, with suitable gates at every crossing of a public and private road.

Duty.

Organization.

SEC. 4. The fence commissioners shall elect one of their number as chairman, and any three of them shall constitute a quorum, with power to act upon any matter before them; and upon any vacancy occurring by death, resignation or failure to qualify, or otherwise, it shall be filled by the Board of County Commissioners of McDowell County from among the citizens living within and owning land in said territory.

Quorum.

Vacancies.

SEC. 5. The fence commissioners shall make an annual report Annual reports. to the Board of Commissioners of McDowell County, on or before the first Monday in June, giving as near as may be an itemized cost of building said fence and gates, as above contemplated, or of keeping the same in repair, as the case may be; and it shall be the duty of the Board of County Commissioners of McDowell County, at their meeting in June in each year, when their other taxes are levied, to levy a tax upon all real estate and personal Fence tax. property situate in said territory to defray the costs of said fence, which said tax shall in no case exceed a tax of twenty-five cents Limit of rate. on the hundred dollars' worth of real estate and personal property in said territory, and a tax on each poll, observing the constitutional equation, said taxes to be collected as other taxes, and paid out by order of the county commissioners.

SEC. 6. That said fence commissioners shall not be required to build a fence along any part of said boundary where there is Where fence not required. not at this time or the time of building said fence a stock law requiring all stock to be kept in an inclosure.

SEC. 7. That it shall be lawful for all persons who live inside of Stock to run at said boundary or who own lands inside of said boundary to let large. their stock run at large after said fence shall have been built.

SEC. 8. That no person who lives outside of said territory, except such persons who may own land in said territory, shall be Stock not to be turned into territory. allowed to turn their stock into said boundary.

SEC. 9. That any person who shall leave the gates open across Leaving gates open a misdemeanor. any road erected by the road commissioners, or shall damage or remove the same, shall be guilty of a misdemeanor, and shall pay Punishment. a fine of not less than one dollar nor more than five dollars for each offense.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 253.

AN ACT TO AUTHORIZE AND EMPOWER THE BONDSMEN OF W. B. COOPER, LATE SHERIFF OF TYRRELL COUNTY, TO COLLECT THE UNPAID TAXES CHARGED TO SAID OFFICER.

Whereas W. B. Cooper, late Sheriff of Tyrrell County, died in Preamble. office during the year one thousand nine hundred and eight, without having collected in full the State, general county, special county, school, poor and other taxes charged against him for the

years one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven; and whereas, since the death of said W. B. Cooper, his bondsmen have paid the amount of the uncollected taxes so charged against him, in order to avoid actions at law being instituted against them for the recovery of the taxes charged against said W. B. Cooper at the time of his death, and said bondsmen desire to save themselves from loss by collecting said uncollected taxes: now, therefore,

The General Assembly of North Carolina do enact:

Bondsmen authorized to collect arrears.
Years.

Appointment of tax collector.

Powers vested in tax collector.

Proviso: persons not compelled to pay.

Proviso: false swearing perjury.

Punishment.

Time limit.

SECTION 1. That the bondsmen of W. B. Cooper, late Sheriff of Tyrrell County, be and they are hereby authorized and empowered to collect all State, general county, special county, school, poor and all other taxes for the years one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven which the said sheriff had not collected for said years at the time of his death, and the said bondsmen are authorized and empowered to appoint a tax collector and to place the tax books for those years in his hands for collection, and that said tax collector so appointed is fully empowered to collect said taxes and to use all processes of law now vested in sheriffs and tax collectors to levy upon real and personal property of delinquents, and to sell the same to pay said taxes, and, in cases of sales of real estate, to execute deeds therefor, and in all respect to be vested with full power to exercise the process and mechanism of the law to collect said taxes: *Provided, nevertheless*, that if any delinquent on said tax lists shall state on oath that his taxes for any or all of said years have been paid, and is unable to produce receipt for same because of its being misplaced, lost or never having been given, then and in that event, as against said delinquent or delinquents, the right of levy and sale of property shall not be exercised: *Provided further*, that any delinquent who shall falsely swear that taxes appearing against him as unpaid were paid shall be guilty of perjury, and upon conviction shall be punished accordingly.

SEC. 2. That the time for collecting said taxes under this act shall be exercised not later than September first, one thousand nine hundred and nine.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 254.

AN ACT TO FIX THE PER DIEM OF THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in April, one Per diem. thousand nine hundred and nine, each member of the Board of Commissioners of Mitchell County shall receive for services and expenses in attending the meetings of the board not exceeding three dollars per day and mileage to and from the county seat, not to Mileage. exceed five cents per mile, mileage to be reckoned by the nearest route.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 255.

AN ACT TO REPEAL CHAPTER 552 OF THE PUBLIC LAWS OF 1907, RELATING TO THE DUTIES OF THE CLERK OF THE SUPERIOR COURT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 256.

AN ACT TO PROHIBIT PUBLIC DRUNKENNESS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and thirty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "Macon," in line five thereof, the word "Yancey." Public drunkenness forbidden.

Punishment.

SEC. 2. That section three thousand seven hundred and thirty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "fined," in line seven thereof, the words "not less than three dollars and."

Application of act.

SEC. 3. That section two of this act shall only apply to Yancey County.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 257.

AN ACT FOR THE RELIEF OF J. M. DAVIS, EX-SHERIFF OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

SECTION 1. That authority is hereby given to J. M. Davis, ex-Sheriff of Surry County, to collect arrearage of taxes for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, and he is empowered to collect said taxes under the same rules and regulations as are now or may hereafter be provided by law for the collection of taxes.

Persons not compelled to pay.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make affidavit before any officer authorized to administer oaths that the taxes attempted to be collected have been paid; nor shall any executor, administrator or guardian be compelled to pay any taxes under the provisions of this act who has filed his account before and had the same approved by the clerk of the court of the said county of Surry.

Liability of sheriff and bondsmen not impaired.

SEC. 3. That nothing herein contained shall be construed to relieve said sheriff, his representatives or bondsmen from the liability by law to pay State and county taxes at the time and place required by law.

Authority to cease.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first of December, one thousand nine hundred and ten.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 258.

AN ACT TO ALLOW D. R. NOLAND, EX-SHERIFF OF HAYWOOD COUNTY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That D. R. Noland, ex-Sheriff of Haywood County, be and he is hereby authorized and empowered to collect all the unpaid taxes in Haywood County which he is by the law required to collect for the years one thousand nine hundred and five and one thousand nine hundred and six, inclusive. Collection of arrears authorized.

SEC. 2. That said D. R. Noland, ex-Sheriff of Haywood County, shall have all the power and authority to collect the taxes for the years mentioned in section one of this act for Haywood County which are now granted to sheriffs and tax collectors under the existing laws of North Carolina. Powers of sheriffs and tax collectors.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 259.

AN ACT TO APPOINT A FINANCE COMMITTEE FOR POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. P. Arledge, W. B. Feagan and I. D. Morris be and they are hereby appointed a finance committee for the county of Polk. The term of office of said committee shall begin on the first Monday in September, one thousand nine hundred and nine, and shall continue for two years and until their successors are appointed and qualified. The members of said committee, before entering upon their duties, shall take and subscribe the oath or affirmation now required by law, and said committee shall exercise all the powers and duties now prescribed by subchapter four of chapter twenty-five of the Revisal of one thousand nine hundred and five. Any vacancy occurring in said committee, or any succeeding committee hereinafter provided for, shall be filled by the remaining members of said committee. Commissioners named. Terms of office. Members to qualify. Powers and duties. Vacancies.

SEC. 2. That on or before the first Monday in September, one thousand nine hundred and eleven, and biennially thereafter, the judge of the judicial district in which said county is situated shall appoint a finance committee for said county, which shall be composed of three intelligent taxpaying citizens of the county, and which shall serve for the same term and exercise the same powers and duties as the committee appointed under section one of this act. Appointment of successors.

Pay of commis-
sioners.

SEC. 3. That the members of the finance committee shall each receive three dollars per day for the days they are actually engaged in the work required to be done under the provisions of this act, but they shall not receive pay for more than sixteen days for any one year.

SEC. 4. That all laws and clauses of laws in conflict with this act, in so far as they relate to the county of Polk, are hereby repealed.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 260.

AN ACT TO APPOINT A COTTON WEAIGHER FOR THE TOWN OF SMITHFIELD, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Cotton weigher
to be appointed.

SECTION 1. That there shall be appointed for the town of Smithfield, Johnston County, one public cotton weigher, sworn to perform his duties faithfully, whose duties shall be to weigh all cotton sold in bales in the said town and make just and proper deduction for water or any other damages.

Cotton to be
weighed.
Bond.

SEC. 2. That all cotton sold in bales in the town of Smithfield shall be weighed by a sworn cotton weigher, who shall give bond in the sum of five hundred dollars, to be approved by the board of commissioners of the county, for the faithful performance of his duties, and said weigher shall receive as full compensation for his services the sum of ten cents per bale for each bale weighed, the seller and purchaser to pay five cents each, and that the purchaser shall retain five cents of the purchase price and shall be responsible to said weigher for his fees, and to whom said weigher shall look for such fees.

Term of office.

SEC. 3. That the term of said officer shall be two years, beginning the first day of March, one thousand nine hundred and nine, and that his successor shall be elected biennially thereafter by the board of commissioners of the town of Smithfield, on the first Tuesday in January, and be approved by the board of county commissioners of said county on the first Monday in February of each year when such election shall recur, as by this act provided.

Election of suc-
cessor.

Record of cotton
weigher.

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

that it shall be his duty to keep a record of all cotton weighed, showing the names of seller and buyer.

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

SEC. 6. That E. S. Sanders shall be and is hereby appointed to fill the first term of office under this act—that is to say, March first, one thousand nine hundred and nine, to March first, one thousand nine hundred and eleven. Weigher named.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 261.

AN ACT TO APPOINT A COTTON WEAHER FOR RED SPRINGS TOWNSHIP AND TO PROVIDE FOR HIS ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That at the first regular meeting in the month of April, one thousand nine hundred and nine, the commissioners of the town of Red Springs shall appoint a cotton weigher for Red Springs Township, Robeson County, who shall hold office until his successor is elected and qualified in the manner hereinafter provided. Election of cotton
weigher.
Term of office.

SEC. 2. That there shall be an election for a cotton weigher in Red Springs Township on the second Tuesday in July, one thousand nine hundred and nine, and on the same day each year thereafter, under the same rules and regulations that govern State and county elections. The mayor and board of commissioners of the town of Red Springs shall appoint a registrar and two judges to conduct the elections and to provide for the registration of votes in the township. All persons qualified to vote for members of the General Assembly, who have resided in Red Springs Township ninety days with intent to make said township their place of residence, shall be allowed to vote. Election of suc-
cessor.
Registrar and
judges of election.
Voters.

SEC. 3. That within five days after the election the person so elected shall give bond in a sum not to exceed five hundred dollars, to be approved by the board of commissioners of the town of Red Springs, for the faithful performance of his duties; he shall also take oath, before some one legally authorized to administer oaths, to in the discharge of his duties act fairly and impartially. Bond.
Person elected to
qualify.

Duty of cotton
weigher.

SEC. 4. That it shall be the duty of said cotton weigher to weigh all cotton sold in bales in the town of Red Springs; to keep separate the cotton belonging to different purchasers weighed by him, so that the cotton on the yard or platform where the weighing is done shall not become mixed; to keep a record of all cotton weighed, showing the name of seller and buyer, the grade of cotton and prices paid, if known to such weigher.

Records evidence.

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

Compensation of
cotton weigher.

SEC. 6. That said cotton weigher shall receive as full compensation for his services the sum of ten cents per bale for each bale of cotton weighed, the seller and purchaser to pay five cents each; and that the purchaser shall retain five cents of the purchase price and shall be responsible to said weigher for his fees, and to whom said weigher shall look for such fees.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 262.

AN ACT TO PROVIDE FOR THE ELECTION OF COTTON WEIGHERS FOR UNION COUNTY.

The General Assembly of North Carolina do enact:

Election of cotton
weighers.

For Marshville

For Wingate.

For Monroe.

Waxhaw.

SECTION 1. That hereafter at each general election to be held in Union County, North Carolina, for the election of county officers, there shall be a cotton weigher elected for the town of Marshville by the qualified voters of Lane's Creek, Marshville and New Salem townships; there shall be a cotton weigher elected for the town of Wingate by the qualified voters of Wingate Precinct; there shall be a cotton weigher elected for the city of Monroe by the qualified voters of Goose Creek, Vance and Buford townships, the eastern precinct of Sandy Ridge Township and all of Monroe Township except the Wingate Precinct; and there shall be a cotton weigher elected for the town of Waxhaw by the qualified voters of Jackson Township and the western precinct of Sandy Ridge Township.

Bonds of weighers.

SEC. 2. That the cotton weighers so elected shall give bond in like manner as other county officers for the faithful discharge of their duties. The amount of said bonds, respectively, shall be fixed by the board of county commissioners of said county and approved by them, and filed as other bonds for county officers.

SEC. 3. That if any cotton weigher hereafter elected, as provided in this act, shall fail or refuse to qualify or to faithfully perform his duties, the county commissioners of said county shall have power, upon sufficient cause shown, to remove him from office, to declare same vacant and to fill all vacancies. Removal for cause.

SEC. 4. That their term of office shall commence on the first Monday in December after their election, and continue for a term of two years and until their successors shall have qualified. Terms of office.

SEC. 5. That the same fees and regulations as are now prescribed by law shall be enforced. Fees and regulations.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 263.

AN ACT TO AUTHORIZE THE CITY OF NEW BERN AND THE COUNTY OF CRAVEN TO APPROPRIATE MONEY OUT OF THE TREASURIES OF THE CITY AND COUNTY TO COMMEMORATE THE BICENTENNIAL OF THE FOUNDING OF THE TOWN OF NEW BERN.

Whereas the people of the town of New Bern desire to commemorate the bicentennial of the founding and incorporation of the ancient Colonial capital of this great State by holding a "home-coming week" in the year one thousand nine hundred and ten, upon which occasion fitting and appropriate ceremonies will be had in celebration of the founding and incorporation of the town; and whereas the town of New Bern, founded in March, one thousand seven hundred and ten, has contributed no small part to the history of this State, and her great sons, William Gaston, George E. Badger, John Stanley and others have held high place in the State and nation, always worthily and in honor to the State and to their native town, whose people desire to do honor to their memory on this occasion; and whereas it is necessary, in order to appropriately commemorate the event and to receive, welcome and entertain the home-coming of her sons and the descendants of her sons now living in this State and other States: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the county of Craven be and is hereby authorized and empowered to appropriate out of the general fund in the treasury of said county a sum not exceeding two thousand five hundred dollars for the purpose of celebrating the bicentennial of the founding of the town of New Bern. Appropriation by county authorized.

Appropriation by
city authorized.

SEC. 2. That the city of New Bern be and is hereby authorized and empowered to appropriate a sum not exceeding two thousand five hundred dollars out of the general fund in the treasury of said city for the purpose of celebrating the bicentennial of said town.

Money to be paid
over.

SEC. 3. That the authorities of the county of Craven—that is, the board of commissioners of said county and the board of aldermen of the town of New Bern—are hereby authorized to pay the sum so authorized, if appropriated, into the hands of the person designated by the proper authorities in charge of said celebration.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 264.

AN ACT TO REPEAL CHAPTER 689, PUBLIC LAWS OF 1899, AND CHAPTER 748, PUBLIC LAWS OF 1903, RELATING TO THE STOCK-LAW TERRITORY IN No. 7 TOWNSHIP, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter six hundred and eighty-nine, Public Laws of one thousand eight hundred and ninety-nine, and chapter seven hundred and forty-eight, Public Laws of one thousand nine hundred and three, be and the same are hereby repealed.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 265.

AN ACT TO AMEND SECTION 2681 OF THE REVISAL OF 1905, RELATIVE TO THE ROAD LAW.

The General Assembly of North Carolina do enact:

Laying out and
construction of
public roads.
Appointment of
overseers and
allotment of
hands.

SECTION 1. That section two thousand six hundred and eighty-one of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the end of said section the words: "*Provided*, that it shall be the duty of the county commissioners to have all roads laid out and constructed that may hereafter be ordered as public roads, and to enable the commissioners to construct the same they are hereby authorized and empowered

to appoint overseers on such roads and to assign to said overseers such hands from the body of the county as in the opinion of the commissioners may be necessary to construct the same: *Provided*, that no person shall be required to work more than eight days in any one year, under the authority of the board of commissioners, before the duties of the supervisors as to such roads shall obtain, and that the county commissioners are hereby vested with all the powers that the supervisors now have for having such roads constructed and received." This act shall only apply to Yadkin County.

Proviso: limit of road duty.
County commissioners vested with powers of supervisors.
Application of act.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 266.

AN ACT TO VALIDATE CERTAIN ACTS OF A JUSTICE OF THE PEACE IN BERTIE COUNTY.

Whereas W. T. D. Evans, a justice of the peace in and for Preamble.
White's Township, in Bertie County, whose term of office expired by law on the first Monday in December, one thousand nine hundred and eight, has, since said date, believing that his term expired on the first day of January, one thousand nine hundred and nine, performed certain duties, among them being a marriage ceremony between Theophilus Johnson and Kate Perry, together with an acknowledgment and privy examination of a married woman, to-wit, Mrs. Martha Farless, and her husband, John F. Farless, in a mortgage deed by them to L. E. Farless, and other acts pertaining to his said office, believing all the while that his term did not expire prior to January first, one thousand nine hundred and nine: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all acts as a justice of the peace performed by Acts validated.
the said W. T. D. Evans between the first Monday of December, one thousand nine hundred and eight, and this date, be and the same are hereby validated and legalized to the same extent as if he were an acting justice of the peace.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 267.

AN ACT TO PREVENT THE DUMPING OF SAWDUST INTO
THE STREAMS OF JACKSON COUNTY.*The General Assembly of North Carolina do enact:*Acts declared
unlawful.

SECTION 1. That it shall be unlawful for any person, firm or corporation to permit, throw, dump or in any way allow sawdust to be placed, dumped or thrown into any of the streams of Jackson County.

Misdemeanor.
Punishment.

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

When act
effective.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 268.

AN ACT PROVIDING FOR THE CONSOLIDATION OF THE
SEVERAL ROAD COMMISSIONS IN RICHMOND COUNTY
AT THEIR OPTION.*The General Assembly of North Carolina do enact:*Consolidation
authorized.

SECTION 1. That the road commissioners of the several townships in Richmond County, if they so desire, or the road commissioners, or so many of them as so desire, may consolidate the funds of the several townships and elect one of their number a member of the county road commission, and this county road commission shall have all the power now conferred on the road commissioners of the said several townships, and shall work and maintain the public roads of such territory and expend all moneys collected equitably within said territory.

County road
commission.Powers and
duties.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 269.

AN ACT TO EMPOWER THE SHERIFF OF MADISON
COUNTY TO COLLECT ARREARS OF TAXES.*The General Assembly of North Carolina do enact:*Collection of ar-
rears authorized.
Years.

SECTION 1. That George W. Cole, Sheriff of Madison County, is hereby authorized and empowered to collect arrears of taxes for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven, one thou-

sand nine hundred and eight, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

SEC. 2. That no person shall be compelled to pay any taxes under the provisions of this act who will make an oath before any person authorized to administer oaths that the same have been paid. Persons not compelled to pay.

SEC. 3. That the authority given by this act shall cease the first Monday in December, one thousand nine hundred and ten. Authority to cease.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 270.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF YANCEY COUNTY TO SELL THE PRESENT COUNTY HOME AND CHANGE THE SITE.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Yancey County be and are hereby empowered to sell the present county home. Sale authorized.

SEC. 2. That the commissioners of Yancey County be and are hereby empowered to designate a new site for the county home of said county at any place in the county that to them may seem best: *Provided*, that the same shall not be located within two miles of Burnsville. County commissioners to designate new site.
Proviso: not within two miles of Burnsville.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 271.

AN ACT TO PROHIBIT PUBLIC DRUNKENNESS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and thirty-three of the Revisal of one thousand nine hundred and five be amended as follows: By striking out all of the section after the word "not," in line seven of this section, and adding the following: "not less than two dollars and fifty cents nor more than fifty dollars, or imprisoned not exceeding thirty days." Punishment.

SEC. 2. That this act shall only apply to Buncombe County. Application of act.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 272.

AN ACT TO PROHIBIT SAWDUST BEING THROWN INTO
STREAMS IN EDGECOMBE COUNTY.*The General Assembly of North Carolina do enact:*Throwing saw-
dust in streams a
misdemeanor.

Punishment.

SECTION 1. If any person, firm or corporation shall throw, permit any sawdust to be thrown or run into any stream in Edgecombe County, they or it shall be guilty of a misdemeanor and fined not more than five dollars or imprisoned not more than thirty days.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 273.

AN ACT FOR THE RELIEF OF THEO. N. BATES, EX-SHERIFF
AND TAX COLLECTOR OF CHEROKEE COUNTY.*The General Assembly of North Carolina do enact:*Collection of ar-
rears of tax au-
thorized.
Years.

SECTION 1. Theo. N. Bates, ex-sheriff and tax collector of Cherokee County, who by virtue of his office has had the tax lists in his hands for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, is hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided by law for the collection of taxes.

Persons not com-
pelled to pay.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who holds a receipt in full for the years named in section one of this act, or who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor, administrator or guardian be compelled to pay any tax under the provisions of this act after he shall have made a final statement.

Liability not
released.

SEC. 3. That nothing herein contained shall be construed to relieve said Bates or his representative or bondsman from the liability imposed by law to pay the State, county or other special taxes at the time and place required by law.

Authority to
cease.

SEC. 4. That the authority herein given shall cease and determine on the thirtieth day of November, one thousand nine hundred and nine.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 274.

AN ACT TO PREVENT DEPREDACTIONS BY MISCHIEVOUS
LIVE STOCK IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation owning mischievous live stock of any kind in Tyrrell County, or having the same under their control or in their possession and knowing the same to be mischievous, to allow the same to run at large after being notified to keep the same up; and any person, firm or corporation offending against this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than ten dollars.

Allowing mischievous live stock to run at large a misdemeanor.

Punishment.

SEC. 2. That any mischievous live stock of any kind found within the enclosure of any person, firm or corporation in Tyrrell County may be impounded by the owner or occupant of said enclosed premises, and such impounder may demand fifty cents for each animal so impounded and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, without diminution because of detention of same; said damages to be ascertained by two disinterested freeholders, one to be selected by the owner and one by the impounder; said freeholders to select an umpire, if they cannot agree, and their decision to be final.

Mischievous stock impounded.

Charges for impounding and keep.
Damages.

Ascertainment of damages.

SEC. 3. If the owner of said stock be known to such impounder he shall immediately inform such owner where his stock is impounded, and if said owner shall for two days after such notice willfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice, posted at three or more public places within the township where said stock is impounded, and describing said stock and stating place, day and hour of sale, or if the owner be unknown after twenty days' notice in the same manner and also at the courthouse door, shall sell the stock at public auction at the place of impounding and apply the proceeds in accordance with the preceding section, and the balance he shall turn over to the owner, if known, and if the owner be not known, to the county treasurer for the use of the school funds of the county, subject in his hands for six months to the call of the legally entitled owner.

Owner to be notified.

Sale of stock.

Application of proceeds.

SEC. 4. The words "mischievous live stock" in this chapter shall be construed to include horses, mules, colts, cows, calves, sheep, goats, jennets and all neat cattle and swine of a mischievous character or reputation.

Mischievous live-stock construed.

SEC. 5. That this act shall be in force from and after May first, one thousand nine hundred and nine.

When act effective.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 275.

AN ACT FOR THE RELIEF OF EX-SHERIFF OF
CLEVELAND COUNTY.*The General Assembly of North Carolina do enact:*Collection of ar-
rears of taxes au-
thorized.

Years.

Proviso: author-
ity to cease.

SECTION 1. That A. B. Suttle, ex-Sheriff of Cleveland County (and in the case of his death, his personal representative) is hereby empowered and authorized to collect arrears of taxes for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, under such rules and regulations as are now or may hereafter be provided by law for the collection of taxes: *Provided*, that the authority herein given shall cease and determine on December thirty-first, one thousand nine hundred and ten.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 276.

AN ACT TO ENCOURAGE THE DESTRUCTION OF HAWKS
AND OWLS.*The General Assembly of North Carolina do enact:*

Bounty.

SECTION 1. That the sheriff is hereby authorized and directed to pay for every hen hawk's head, blue darter's head and every hoot owl's head the sum of twenty-five cents to the person delivering to him such head or heads.

Accounts to be
kept.

SEC. 2. That the sheriff shall keep a list or account of every such transaction, showing to whom the payment was made, the date and the amount, and the kind of bird for which the payment was made.

Sheriff allowed
credit.

SEC. 3. That the sheriff shall be allowed credit by the board of county commissioners, in his settlement with them of the general county taxes, for all sums paid out by him under the provisions of this act: *Provided*, that the sheriff furnish to the board a list of such payments, certifying the correctness thereof.

Proviso: sheriff
to furnish lists.

Application of act.

SEC. 4. That this act shall apply only to Columbus County.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 277.

AN ACT TO APPOINT J. H. NOWELL A JUSTICE OF THE PEACE FOR WINDSOR TOWNSHIP, IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Nowell, of Windsor Township, Bertie Appointment. County, be and he is hereby appointed a justice of the peace for Term of office. the term of six years, his term of office to begin from the passage of this act and his acceptance and qualification.

SEC. 2. That section two hundred and ten of the Revisal of one Law forbidding thousand nine hundred and five of North Carolina shall not be justice to practice applicable to said J. H. Nowell. practice law.

SEC. 3. That the appointment of the said J. H. Nowell and his Right to practice acceptance and qualification as a justice of the peace in and for law. said township and county shall in nowise affect his right to practice as an attorney at law in the various courts of Bertie County and the courts of the State, except in such cases as have been appealed Exception. from the courts of the justice of the peace over which he presided or took part.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 278.

AN ACT TO PREVENT HORSES AND MULES FROM RUNNING AT LARGE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons Letting horses or who knowingly lets his or her horse or horses, mule or mules run at large forbidden. at large upon the public roads in Pitt County for the purpose of grazing.

SEC. 2. Anyone violating the provisions of this act shall be guilty Misdemeanor. of a misdemeanor and fined not less than one dollar nor more Punishment. than five dollars, or imprisoned not less than five nor more than ten days for each and every offense, at the discretion of the court.

SEC. 3. That this act shall go into effect on the first day of When act May, one thousand nine hundred and nine. effective.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 279.

AN ACT FOR THE RELIEF OF THE SHERIFF AND
TREASURER OF MOORE COUNTY.*The General Assembly of North Carolina do enact:*Overpayments to
be refunded.

SECTION 1. That the Board of Education of Moore County is authorized, empowered and directed to pay to A. C. Kelly, Sheriff of Moore County, and A. D. Muse, Treasurer of Moore County, out of any school funds that may be at any time due or belonging to said county, such amounts as the said A. C. Kelly and A. D. Muse overpaid the school fund of said county during the fiscal year of one thousand nine hundred and six and one thousand nine hundred and seven, at such times and in such amounts from time to time as not to reduce the public schools taught in said county to a term less than four months in each school district in said county in any one year.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 280.

AN ACT TO PREVENT SAWDUST FROM GOING INTO SAW-
YER'S CREEK AND FISHING IN GRAHAM COUNTY.*The General Assembly of North Carolina do enact:*Unlawful to allow
sawdust to be
thrown into
streams.

SECTION 1. That it shall be unlawful for any person, firm or corporation to allow any sawdust to be thrown into Sawyer's Creek or its tributaries, in the county of Graham.

Fishing forbidden.

SEC. 2. It shall be unlawful for any person, firm or corporation to fish in Sawyer's Creek or its tributaries, in Graham County, until January twelfth, one thousand nine hundred and twelve. Any person violating sections one or two of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.
Punishment.

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

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 281.

AN ACT TO IMPROVE THE PUBLIC ROADS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the public roads of Wake County be and they are hereby divided into "highways" and "roads." That the highways shall comprise the main thoroughfares of the county and shall be under the supervision and control of the board of county commissioners, who shall have the authority to declare which public roads are to be "highways" and which "roads"; that the roads shall comprise the less important ways of the county and shall be construed to include all public ways not designated highways by the county commissioners, and they shall be under the supervision and control of the board of township trustees hereinafter provided for. It shall be the duty of the county commissioners to determine what public roads or parts of public roads of said county shall be highways, and they shall cause a record to be made thereof. The right of way of all highways and roads shall be forty feet, but only so much shall be used as in the opinion of the county commissioners or of the board of township trustees is necessary for the public good.

SEC. 2. Upon the adoption of the provisions of this act the commissioners shall elect a superintendent of roads for the county, and an assistant if they deem proper, and such other employees as may be necessary, who shall hold office until the first Monday in December, one thousand nine hundred and eleven, and until their successors are elected and qualified. Biennially thereafter they shall elect successors to said officers, who shall hold office for two years and until their successors are elected and qualified. The superintendent of roads shall be under the direction and control of the county commissioners, and he may be removed by them upon ten days' notice after hearing; and when in the opinion of the board there exists cause for such action, and for malfeasance, misconduct in office or neglect of duty, he may be removed by them without notice other than may be necessary to give him a hearing. It shall be the duty of the superintendent of roads, subject to the direction of the county commissioners, to supervise and have charge of the building and maintenance of all highways in the county and the maintenance of all bridges and fords of said county, and he shall submit a quarterly report, showing the condition of highways and bridges, work in progress, suggesting plans for improvement, and such other matters as may be required by the county commissioners. The superintendent of roads, before entering upon the duties of his office, shall deposit with the county commissioners a bond, to be fixed and approved by them,

Roads divided.
Highways and roads.
Highways defined.
Supervision and control of county commissioners.
Roads defined.

Supervision and control of township trustees.
Determination and record of highways.

Right of way.

Election of superintendent of roads, assistant and employees.

Term of office.

Election of successors.

Removal of superintendent.

Duties of superintendent.

Quarterly reports.

Bond of superintendent.

Vacancy.	in the sum of not less than 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. In case of any vacancy occurring in the office of superintendent of roads, said board of county commissioners shall fill the same for the unexpired term.
Building of highways may be let to contract. Bond of contractors.	SEC. 3. That the county commissioners shall have the right to let the building of highways by contract to any responsible person, who, before entering upon the building of said highways, shall give bond acceptable to said commissioners in not less than one-third the amount of the contract price. They shall have power to hire the county convicts to such contractor upon such condition as they may deem proper.
Convicts hired to contractors.	
Keeping up highways let to contract. Bond of contractors.	SEC. 4. That the board of county commissioners shall have power to let out to responsible persons the keeping in repair of a section of the highways, whenever in their discretion such course seems wise. Such person shall enter into a contract and give such bond for the faithful observance of the conditions of the same as the commissioners may require.
Prisoners to be worked on highways.	SEC. 5. That all prisoners confined in the county jail of Wake County under final sentence of the court for crimes, for imprisonment for nonpayment of costs or fines, or under final judgment in case of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs and all persons sentenced in said county to the State's Prison from said county for a term of less than ten years shall be worked
Proviso: exchange of prisoners.	on the highways of the county: <i>Provided</i> , that the board of commissioners of the county may arrange with the commissioners of any neighboring county or counties for such exchange of prisoners during alternate months or years as will enable each such co-operating county to thereby increase the number of prisoners at work on its highways at any given time; and upon application of the said road superintendent of the county, or that of the board of county commissioners, the judge of the Superior Court or judge of the criminal court, the justice of the peace and the principal officers of any municipal or any other inferior court, it shall be the duty of said judge or justice of the peace or said principal officer to assign such persons convicted in his court to the said road superintendent for work on the highways of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county, out of the road fund: <i>Provided further</i> , that in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal or inferior courts may be sentenced to the penitentiary or to the county jail.
Convicts sentenced to road work.	
Proviso: physical disability.	
Control and custody of convicts.	SEC. 6. That the convicts sentenced for hard labor shall be under the control of the county commissioners of said county, and

said authorities shall have power to enact and enforce all needful rules and regulations for the successful working of all convicts upon the highways, and commit to the superintendent or supervisors the custody of the whole or any part of the convict force; and they may authorize and empower him to use such discipline only as may be necessary to carry out the rules and regulations in the working of the highways to which said convicts may be put by the order of the county commissioners, to the same extent as is allowed by law to the authorities of the penitentiary in the custody and control of convicts committed to the State's Prison.

SEC. 7. That for the purpose of equipping and maintaining said convict system the said county commissioners are hereby authorized and empowered to use the county jail for the safe-keeping of said convicts, and to build and keep a convict camp or camps for such purposes, and to provide for the safe-keeping and maintaining of said convicts. The rules and regulations enacted and enforced by the county commissioners must be in accord with the general rules and regulations governing the use of convicts on public roads and highways laid down and published by the State Highway Commission. The prisoners employed in working the highways who are working out fines and costs shall be allowed so much per day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the account charged against them. The superintendent of health of the county shall attend the convicts as though they were confined in the county jail. If the superintendent of health shall be unable to attend the convicts for any cause, the county commissioners, or road superintendent if the case be urgent, are hereby authorized to contract with a physician to attend such convicts.

SEC. 8. That the highways to be improved or constructed according to the provisions of this act prior to the inauguration of any such permanent improvements on highways to be so improved and constructed may be first carefully surveyed and located by an engineer or surveyor, trained and experienced in such work, aided by the superintendent of roads; and any person who shall obstruct the surveyor, engineer, road superintendent or other persons in making a survey for the changing of a road or the opening of a new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court. All such highways, when changed or hereafter located or relocated, shall be given a grade nowhere greater than four feet in one hundred feet, and shall be thoroughly drained; and whenever it may be necessary to turn water across the road, this shall be done by putting in sewer pipes or other form of drain or culvert: *Provided*, that where, in the opinion of an experienced and competent engineer or the superintendent of roads, the grade above described is impracticable, it may be increased, in his judgment.

Discipline.

Safe-keeping and maintenance of convicts.

Rules and regulations.

Amounts credited on fines and costs.

Medical attention.

Highways surveyed and located.

Obstruction of survey a misdemeanor.

Punishment.

Grade and drain.

Culverts.

Proviso: change of grade.

Top dressing.	SEC. 9. That wherever it is practicable all permanent highways built hereunder shall have at least four inches, before compression,
Width of road.	of trap or nigger-head rock as a top dressing, and all highways built hereunder shall be not less than twelve nor more than sixteen feet wide, except by special order of the board of county
Limit of macadam work.	commissioners. No macadam road shall be constructed more than five miles before work is done on other roads.
Surveys for re-locating or widening roads.	SEC. 10. In relocating or widening roads now in use, or in opening new roads, the county commissioners, if highways, or the road trustees of the proper township, if public roads, may cause a civil engineer or the superintendent of roads to make a survey of the
Notice to land-owners.	proposed change of an old road or the new road to be opened, and if they adopt said survey they shall give notice to the owner or owners of the land that they have adopted said survey or surveys, and that the same is hereby condemned for the use of the town-
Obstructing survey a misdemeanor.	ship or county, as the case may be, for a public road or highway. Any person who shall obstruct the county superintendent or civil engineer in making a survey for the changing of a road or the
Punishment.	opening of a new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and any person or persons who shall ob-
Obstructing opening of road a misdemeanor.	struct the township supervisor or a surveyor of highways from opening said change of road or new road shall be guilty of a mis-
Punishment.	demeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court: <i>Provided</i> , that if any per-
Proviso: assessment of damages.	son be aggrieved he may, within three months after said change of road or new road, highway or new highway has been opened and completed, apply to the board of county commissioners, who shall
Payment of damages.	appoint a jury, to consist of three freeholders, to assess the damages. The said jury, in determining said damages, shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict. The county shall pay damages for highways and the township for public roads.
Convicts kept at work on highways.	SEC. 11. That the convicts shall be kept constantly at work upon the highways set apart by the board of county commissioners, under the direction and control of the superintendent of roads and his assistants, and shall as far as practicable work upon the lead-
Leading highways.	ing highways; and in performing said work the superintendent shall consider those highways leading to and from the city of Raleigh as the main and leading highways, as far as practicable.
Convict work on township roads.	SEC. 12. That if in the judgment of the county commissioners it shall be necessary to put the convict force in a township for the purpose of grading or improving a township road, it shall be lawful for them to do so, provided the work to be done is too extensive to be undertaken by the board of township trustees or the supervisor or supervisors of said township.

SEC. 13. The county commissioners may establish or order the laying out of any highway upon the petition, in writing, signed by at least ten citizens; and if it appears to the board that every person over whose land the said highway may pass shall have had twenty days' notice of the intention to file such petition, the same shall be filed in the office of the clerk of the board until the succeeding meeting of the board, and notice thereof posted during the same period at the courthouse door, at which meeting the board shall hear all the allegations set forth in the petition; and if sufficient reason be shown, the board shall establish or order the laying out of, or discontinuing of, or alter said road or highway, as the case may be.

Petition for establishment of highway.

Notice to be posted.

Action of board.

SEC. 14. In all applications provided for in the preceding section the county commissioners may direct how and by whom the cost shall be paid, and any person may appeal to the Superior Court at term time; and if any person shall appeal from the board on such petition, he shall give bond to the opposing party, as provided in other cases of appeal; and the Superior Court at term time shall hear the whole matter anew, and the parties to said proceeding shall be entitled to have every issue of fact joined in said proceeding tried in the Superior Court in term time, by jury, and from the judgment of the Superior Court either party may appeal to the Supreme Court, as is provided in other cases of appeal.

Costs on application.

Appeals.

Bond on appeal.

Trial on appeal.

Appeal to Supreme Court.

SEC. 15. When a bridge shall be necessary and the road trustees of the township cannot conveniently build it out of the township funds, the county commissioners, being satisfied that such is the fact, shall contract for the building, keeping and repairing thereof, and the same shall be a charge on the county.

Bridges built by county.

SEC. 16. It shall be the duty of every corporation or person who, for the purpose of draining his land, or any other purpose whatever, shall construct any ditch, drain or canal across a highway or public road, to keep at his or their own expense in good and sufficient repair all bridges that are or may be erected, in whole or in part, on said highways or public roads, and shall construct and keep in repair the approaches to said bridges acceptable to the supervisors of the district or the superintendent of roads. Any person or persons or corporations who shall fail to perform the duties imposed on him or them by this section, having been warned by the supervisor or superintendent leaving written notice at his residence or the residence of his agent, or having been notified verbally and failed to perform said duties acceptable to the supervisor, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars, and each three days such failure is continued shall be an additional offense against the provisions of this section, and the money so collected shall be paid to the road fund for the use of the highways or the roads of the township where the offense was committed.

Private drains across roads. Duty of owner.

Failure to discharge duty a misdemeanor.

Punishment.

Additional offense.

Money to use of road.

Bridges and crossings to be kept up by corporations.	SEC. 17. All railroad, turnpike and other incorporated companies each shall keep up at their own expense all bridges on or over highways, public roads and roads not public or used as neighborhood roads, and all crossings which they have severally made it necessary to be built or made in establishing their respective roads, and on the failure to do so shall be guilty of a misdemeanor and fined at the discretion of the Superior Court, and shall forfeit and pay twenty-five dollars for each ten days he or they shall fail to perform the duties imposed by this section.
Failure a misdemeanor. Punishment.	
Election of road trustees.	SEC. 18. That it shall be the duty of the board of county commissioners, at its regular meeting in March, one thousand nine hundred and nine, to proceed to elect for each and every township in Wake County a board of road trustees for said township, which shall be composed of three citizens of said township and resident therein, which said board of road trustees shall hold office for two years and until their successors are appointed and qualified, and biennially thereafter the Board of County Commissioners for Wake County shall appoint their successors: <i>Provided</i> , that said trustees shall receive no pay for their services as such.
Term of office.	
Election of successors.	
Proviso: to serve without pay.	That said boards of road trustees in the various townships be and they are hereby created a body politic and vested with all such corporate powers and authority as may be necessary for the accomplishment of the purposes of this act.
Boards of trustees incorporated.	
Meetings of trustees.	SEC. 19. The road trustees shall meet at some place in their respective townships, to be agreed upon by themselves or, in the absence of such agreement, to be named by their chairman, on the first Monday in May and November and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall, annually, at their May or subsequent meeting, elect one of their number chairman, and may also elect one of their number or some other suitable person secretary-treasurer, and require a bond of such secretary-treasurer, payable to the State of North Carolina in trust for said township, with security, to be approved by them, conditional for the faithful discharge of the duties of said office, and may provide for his compensation. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of this State, and to recommend to the county commissioners the tax for road purposes to be levied in said township, as hereinafter provided. The board of road trustees shall be exempt from all labor on the public roads required in their township, and it shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each and every year, and make a report on the condition of said public roads and present a copy of said report at the May and November meetings of the county commissioners.
Record of proceedings. Organization.	
Bond of secretary-treasurer.	
Compensation of secretary-treasurer. Corporate powers.	
Trustees exempt from road duty.	
Duty.	
Reports.	
Roads within one township.	SEC. 20. The board of road trustees shall have the right to lay out, alter or discontinue public roads that are wholly within their

townships; and the county commissioners shall have the right to lay out, alter or discontinue public roads that extend into two or more townships: *Provided further*, that the right of way of all public roads shall be forty feet wide, and the supervisors, with the approval of the road trustees, shall determine how much of said right of way shall be used for road purposes.

SEC. 21. That each and every person who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 22. That the road trustees of the several townships of Wake County shall, on the first Monday of May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made to the board of county commissioners, and also furnish each superintendent with a plat of his road district. The road trustees of each township, at their May meeting and annually thereafter shall elect one supervisor for each road district. The supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees may require a bond of such supervisors, payable to the State of North Carolina, in trust for said township, in such sum as they may determine, with security, to be approved by them, conditioned for the faithful discharge of the duties of said office.

SEC. 23. And when a vacancy shall occur in the office of supervisor, by death, resignation or otherwise, the road trustees of said township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall, before entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as was his predecessor.

SEC. 24. That it shall be the duty of each and every supervisor and the superintendent of roads to open or cause to be opened all such public roads which shall have been or may hereafter be laid out and established in his road district; the same to keep in repair and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purpose the supervisor and superintendent of roads are hereby authorized to enter upon any lands not encumbered by crops near or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as they may deem necessary for the benefit of the roads, doing as little injury to said

Roads within two or more townships.
Provido: right of way.

Neglect of duty a misdemeanor.
 Punishment.

Road districts.

Plat of road districts.
 Election of supervisors.

Supervisors to qualify.
 Bonds of supervisors.

Vacancies.

Duties of supervisor and superintendent of roads.

Entry on lands for material.

Entry for drains or ditches.

Penalty for obstructing drains or ditches.	lands and improvements thereon and timber as the nature of the case and the public good will permit; and the drains or ditches so made shall be conducted to the nearest water course, ditch or drain, and shall be kept open by the supervisors, and shall not be obstructed by the owner or occupier of such land or any person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisors and paid over by him to the road trustees and applied to the road fund of said township;
Injury to lands a misdemeanor.	and if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest waterway, ditch or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.
Persons subject to road duty.	Sec. 25. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall be liable annually to do and perform not more than six days' labor on the public roads, under the direction of the supervisor of the road district in which he shall reside:
Road duty.	<i>Provided</i> , that if any person, being warned as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of the district and accounted for as hereinafter provided: <i>Provided further</i> , that the road trustees of each township may reduce the six days' labor to any less number of days or not
Proviso: commutation.	enforce the labor on the roads provided for in this section: <i>Provided</i> , whites and blacks shall be worked in separate squads.
Proviso: reduction of road duty.	Sec. 26. It shall be the duty of the sheriff of the county to furnish in July of each year a list of all persons who have not paid their poll tax for the preceding year by said time to the board of road trustees of the several townships, who shall cause all such persons to be warned for work upon the public roads at such time and place as they may see fit, and give to such at least three days' notice by leaving written notice at the home or place of residence, specifying the time and place when such work is to be performed: <i>Provided</i> , that any person may in lieu of such work pay to the sheriff of the county, before the day on which he is summoned to work, his poll tax and costs incurred. Any person summoned to work the roads shall not be worked with convicts, and whites and blacks shall be worked in separate squads. No person shall be worked on the roads more than five miles from his place of residence.
Proviso: separate squads.	
Sheriff to furnish lists of delinquent polls.	
Delinquents warned for work.	
Proviso: payment in lieu of work.	
Separate squads.	
Locality of work.	
Failure to appear and work a misdemeanor.	Sec. 27. That any person liable to road duty as above provided, who shall, after being notified, fail to appear and work as required, or shall fail to perform reasonably good labor, shall be guilty of a

misdeameanor, and upon conviction shall be fined not less than two dollars nor more than ten dollars, or sentenced to work on the public roads of the county not more than ten days. Punishment.

SEC. 28. That it shall be the duty of any supervisor to order out every such person resident as aforesaid between the first day of March and the first day of December, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend himself or to send an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or if he shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of nonattendance to the amount of labor required by the road trustees in such township, to be recovered in an action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside, and shall also be guilty of a misdeameanor and fined not exceeding five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by the said supervisors to the improvement of the roads in his district, and accounted for by him at the annual settlement with the road trustees: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided. Supervisor to order out hands.

Forfeit for failure to attend and work.

Misdeameanor.
Punishment.

SEC. 29. That in case any person shall remove from any district to another, who has prior to such removal performed the whole or any part of the amount of labor aforesaid, or in any way has paid the whole or any part of the amount aforesaid in lieu of such labor, shall produce a certificate of the same, signed by the supervisor of the proper district. Such certificate shall be a complete discharge of the amounts therein specified. Removal from district.

SEC. 30. That any person called upon to perform any of the labor upon the public roads under any provision of this act shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and instruments as the supervisor may direct; and the supervisor may, if necessary for the improvement of the road, order any person owning the same to furnish a team of horses, mules or oxen, wagon, cart, plow or scraper, to be employed or used on the road under the direction of the supervisor. Persons warned to appear.

Tools and instruments.
Teams and machinery.

SEC. 31. That for the purpose provided for in the preceding section of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any Residence defined.

other person shall be held to be where he boards in any road district in Wake County.

Collection of fines, forfeitures and penalties.

SEC. 32. That the several supervisors within their respective districts shall collect, by suit or otherwise, all fines, forfeitures and penalties arising or accruing under the provisions of this act, unless the question thereof is otherwise herein provided for, and they are hereby authorized and required, before their settlement with the road trustees, to prosecute to final judgment all such persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties can be collected; and said judgment, if not paid, together with the costs therein, shall remain and be in force against the judgment debtor.

Moneys expended for roads.

Accounts and returns of supervisors.

SEC. 33. That the several supervisors shall expend all moneys by them collected for the benefit of the roads in their respective districts, and every supervisor is hereby required to account to the road trustees at the annual settlement for all moneys expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the days' labor as required by this act, and also those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over, on demand of the justice of the peace or constable collecting the same, to the supervisor of such road district wherein such fines and forfeitures accrued. And the several supervisors shall also render an account to the road trustees, at the annual settlement, of all the moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the justice of the peace before whom such judgment was obtained, with the amount thereof; and the road trustees shall make such order as to the prosecution of the suits by the road supervisors of the proper districts against such delinquents as in the judgment of the trustees the interests of the township may require.

Accounts rendered at annual settlement.

Orders made by trustees.

Moneys to be paid over.

Executions on judgments.

SEC. 34. That all moneys that remain in the hands of any supervisor at the time of the annual settlement with the road trustees shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit such receipt with the road trustees. It shall be lawful for any road supervisor to sue out executions on any judgment that remains unpaid within his proper district at any time when in his opinion the same can be collected, and the money so received and collected shall be expended as provided in the foregoing sections.

Post and guideboards.

SEC. 35. That each supervisor within his district shall erect and keep up at the expense of the township at the forks or cross of public roads a post and guideboard, or "finger-board," containing

an inscription, in legible letters, directing the way and distance to the town or towns or other public place or places situated on each road, respectively. The post and guideboard, or "finger-board," aforesaid, shall be furnished to the supervisor by the board of road trustees of the proper township. The county commissioners shall cause to be set up along the highways and principal thoroughfares of the county substantial mileposts, on which are indicated the distance from the county seat; and at important crossings and forks on said highways or thoroughfares the said commissioners shall cause to be erected guideboards, on which are indicated the principal place or places to which these roads lead, and the distances to the same.

SEC. 36. That if any person shall willfully demolish; throw down, alter or deface any such post or guideboard, every person so offending shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding twenty-five dollars and costs, or imprisoned not exceeding twenty days, and the money, when collected, shall be by the justice of the peace collecting the same paid over to the supervisor in whose district the offense was committed, and by him applied to the repair of the public roads within his district.

SEC. 37. That the road trustees of the several townships within this county be and they are hereby authorized to furnish plows, scrapers and other tools for the use of the several road districts within their township, to be paid out of any moneys in the treasury to the credit of said township for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof or by unnecessary exposure to the weather during the time same be in his possession, and he shall on the first Monday in May, annually, report the same to said road trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the road trustees.

SEC. 38. That the road trustees shall have jurisdiction over cartways, and may order the laying out and discontinuance of same when in their opinion it ought to be done as a matter of convenience, irrespective of the location of said cartway: *Provided*, the applicant for said cartway shall pay the damages assessed, as provided in section seven of this act.

SEC. 39. Any person engaged in hauling or transporting saw logs or other timbers on any highways or public roads who shall transport or cause to be transported, by means of chains and grab hooks or other means whereby said logs or timbers are made

Mileposts.

Guideboards.

Penalty for injury to guideboard.

Tools furnished by trustees.

Receipts for implements.

Liability of supervisors.

Annual reports.

Cartways.

Proviso: applicant to pay damages.

Snaking logs a misdemeanor.

Punishment.	to slide on the roadbed by a method known among lumbermen as "snaking" logs, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not less than thirty days.
County road tax. Rate.	SEC. 40. That the county commissioners are hereby instructed to levy at the June session of their board, annually, for road purposes a tax of twenty-five cents on the one hundred dollars' worth of property and seventy-five cents on the poll, and the chairman of the county commissioners shall place the same on the tax list of the current year, to be included and collected in the annual tax; that if the road trustees of any township shall deem an additional tax for use on the roads of that township necessary, and shall present to the board of commissioners a petition, signed by a majority of the qualified voters of said township, asking that an additional special tax for road purposes be levied, the county commissioners shall at their next regular meeting in June levy in said township such additional special tax, not to exceed thirty cents on the one hundred dollars' valuation of property and ninety cents on the poll; said tax to be levied and collected as other taxes, and shall be used only on the roads in that township, under the direction of the board of road trustees. And in case the road trustees in any township shall desire that an election shall be called in said township upon the question of levying an additional special tax for road purposes in that township, or upon the question of issuing bonds for the construction of permanent roads, and shall present to the board of county commissioners a petition, signed by one-fourth of the qualified voters therein, the board of county commissioners shall call such election in accordance with the wishes of said petitioners, and the same shall be held under the same rules and regulations, as nearly as may be, as herein provided in sections fifty-one to fifty-seven of this act, inclusive. In the event that said bonds are voted, the Board of County Commissioners of Wake County shall cause the bonds of said township to be issued, signed, sealed and sold in the same manner as herein provided, when the bonds of the county shall be voted; <i>Provided</i> , said bonds shall not bear more than five per cent interest. And they shall annually levy in said township a tax to provide for the payment of interest on said bonds and the creation of a sinking fund to meet said bonds at their maturity; said bonds to be styled "..... Township road bonds," inserting the name of the proper township.
Additional township tax on petition.	
Rate.	
Use only in township. Petition for election on levy of special township tax or bond issue.	
Election to be called. Law governing election.	
Bond issue if voted.	
Proviso: interest.	
Special tax for interest and sinking fund.	
Style of bonds.	
Labor in discharge of road tax.	SEC. 41. Any person charged with any township road tax may discharge the same with labor on the public roads within the district, where the same is charged within the time designated in this act, at the rate of one dollar per day, and a ratable allowance for any team, implements and material furnished by any person under the direction of the supervisor of each district shall be
Rate allowed.	

made, and the said supervisor shall give to such person a certificate specifying the amount of tax so paid and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in the discharge of said tax. All road taxes collected by the sheriff or tax collector shall be paid over to the secretary-treasurer of the proper township, if requested: *Provided*, this section shall apply only to the taxes assessed by the township trustees. The road trustees, in determining the division of this fund, shall be governed, not by the miles of road in each district, but by the necessities of roads, the conveniences of getting material and the quantity of material necessary to make substantial repairs, and thus make a just and equitable division of the said fund between the several districts.

SEC. 42. That any supervisor may contract with any person owing labor or taxes for road purposes to go over the road in his district, or any part thereof, after heavy rains, and repair the same; and if such contractor finds the damage greater than he can repair he shall be allowed reasonable compensation for notifying the supervisor, who is hereby authorized and directed to order out any person owing days' labor, without giving the two days' notice to do and perform the work on the public roads needing repair; and he is further authorized and directed to order any person owning the same to furnish a team of horses, mules or oxen and wagon, cart, plow or scraper, to be employed and used on the roads, under the direction of the supervisor.

SEC. 43. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever give or sign any receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offense not less than ten dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace in the proper township, and it is hereby made the duty of the road trustees to prosecute all offenses against the provisions of this section.

SEC. 44. That each and every supervisor who shall cut and take any timber, stone, clay, sand or gravel for the purpose of making, improving or repairing any road, or building or repairing any bridge or crossway within his district, shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward, or the executor or administrator having the lands in charge, from which timber, stone, gravel or other material was taken as aforesaid, shall give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof,

Certificates in payment of tax. Taxes assessed by township paid to secretary-treasurer.

Division of fund.

Contracts for emergency repairs.

Hands warned for emergency work.

Teams and implements.

Penalties on supervisors for neglect or malfeasance.

Certificates for material.

respectively, and the time and purposes for which the same was taken.

Presentation and
payment of certi-
ficates.

SEC. 45. That any person or persons who shall receive a certificate, as provided for in the foregoing section, shall present the same to the board of trustees of the proper township at any regular session of said trustees within twelve months after the taking or carrying away of such timber, stone, gravel or other material, and the trustees, being satisfied that the amount aforesaid is just and equitable, shall pay same out of the township fund; but if not so satisfied, they shall determine what sum in their opinion would be just.

Pay of super-
visors.

SEC. 46. That each supervisor shall receive for his services not exceeding two dollars per day, to be determined by the board of road trustees of the proper township, for the time actually employed on the roads, deducting the commutation of the days of labor required in such township.

Removal of ob-
structions.

SEC. 47. That at any time during the year when any public roads shall be obstructed it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstructions to be moved, for which purpose he shall immediately order out such number of persons liable to do road work or pay tax upon the public roads of his district as he may deem necessary to remove said obstruction. If any person or persons thus called out shall have performed their days' labor upon the public roads or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons for the ensuing year.

Certificates for
work.

Lists of persons
liable for road tax.

SEC. 48. The supervisor shall furnish the chairman of the county commissioners of Wake County, on or before the first Monday of June, a true and correct list of all persons liable for road tax in their respective districts. The names of all persons on the general tax list not reported by the supervisor shall, with the tax due by each, be transmitted by the chairman of the county commissioners to the chairman of the board of road trustees, to be by him transmitted to the supervisor of the proper district.

Railroad company
obstructing
drains.

SEC. 49. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its roadbed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad, being warned by the superintendent of roads by leaving a written notice with any station agent of any railroad company, personally, shall refuse or neglect to remedy the same to the acceptance of the superintendent of roads or supervisor, it shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty dollars, to be recovered at the suit of the superintendent of roads or supervisor before any justice of the peace in the county; and every five days such railroad com-

Penalty.

Recovery.

pany, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this act. The money so collected shall be paid to the county or township treasurer for the use of the roads or highways, as the case may be.

Additional offense.

Penalty to use of roads.

SEC. 50. If any person or corporation, or any conductor of any train, or other agent or servant of any railroad company shall unnecessarily obstruct any public road or highway by permitting any railroad car or locomotive to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstruction to remain upon or across any such road or highway, to the hindrance or inconvenience of travelers or any person passing along the same, every person or corporation so offending shall forfeit and pay a sum not exceeding twenty-five dollars nor less than five dollars, to be recovered at the suit of the superintendent of roads for the use of the road fund; and every twenty-four hours such person or corporation, after being notified, shall suffer such obstruction, hindrance or inconvenience upon such public road or highway shall be deemed an additional offense against the provisions of this act.

Forfeit for obstructing roads.

Recovery.

Additional offense.

SEC. 51. That the Board of Commissioners of Wake County be and they are hereby authorized and empowered to submit to the vote of the qualified voters of Wake County, at such time as in their discretion they may deem best, the question, "Shall Wake County, North Carolina, issue three hundred thousand dollars of its bonds, with interest coupons attached, for repairing, making and improving the public roads of said county?" Said board of county commissioners shall, for at least thirty days preceding such election, give public notice of said election and purpose thereof by publication in one or more newspapers published in said county: *Provided*, that if a majority of said qualified voters of said county shall not vote to issue said bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters at any other time or times, under the same rules and regulations as are hereinafter provided.

Question of bond issue to be submitted to voters of county.

Notice of election.

Proviso: successive elections.

SEC. 52. That said election shall be held and conducted in the same manner as is now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that said board of county commissioners may appoint registrars of election and judges of election and any other election officers; and registration of and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided, and said county commissioners may or may not order a new registration for said election. The vote shall be counted at

Law governing election.

Proviso: registrars and judges of election.

Registration.

New registration. Count and return of vote.

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.

Ballots. SEC. 53. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of the said bonds shall vote "For Good Roads." All qualified electors opposed to the issue of said bonds shall vote "Against Good Roads."

County commis- SEC. 54. In the event that the requisite majority of qualified sioners, electors of said county shall vote "For Good Roads" at said election, and the result shall be declared and recorded as aforesaid, the Board of County Commissioners of Wake County shall have Denomination of prepared bonds in denomination not exceeding one thousand dollars bonds, and not less than five hundred dollars, the total amount to be Interest, three hundred thousand dollars; and the said bonds shall bear a rate of interest not exceeding five per cent per annum, with the Maturity, interest coupons attached, payable semiannually on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times, not exceeding thirty years from the issuance, as the said Authentication, board of county commissioners may determine. The said bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and said bonds shall have upon them the seal of the county. The said bonds shall be styled "Wake County road bonds."

Bonds turned SEC. 55. Immediately upon the preparation and signing of said over to treasurer, bonds the said board of county commissioners shall turn over to the Treasurer of Wake County all of said bonds, without the county seal having been affixed thereto, who shall, upon request of the chairman of the board of county commissioners, sell such Sale of bonds, of said bonds at such time or times as the board of county commissioners shall deem best, not to exceed seventy-five thousand dollars in any one year. Upon the sale of said bonds the chairman Limit of sale in one year, of the board of county commissioners shall apply to the custodian of the seal of the county, whose duty it shall be to affix said county Seal affixed on sale of bonds, seal to the bond or bonds so sold, and no bond shall be of any value until said seal is so affixed.

Bonds not to be sold below par. SEC. 56. That none of the bonds authorized by this act shall be disposed of, by sale, exchange or otherwise, for less than their face value, nor shall said bonds or other proceeds be used for any other Specific appropriation, purpose than as declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bonds to which they

are attached. The bonds and coupons shall be receivable for all county and special taxes, and shall so express upon their face, and shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The board of county commissioners shall record all their proceedings in respect to said bonds in the minutes of their meetings; and when any of the same are sold, the number of the bonds, their denomination, to whom sold and the number of coupons attached must be recorded in said minutes.

Bonds and coupons receivable for taxes.

Record of proceedings as to bonds.

SEC. 57. When any of said bonds are sold the proceeds of such sale shall be turned over to the Treasurer of Wake County, who shall keep said funds, and all other funds provided for in this act which may come into his hands, separate from all other funds, and he shall keep separate account of same; and said treasurer, before any funds provided for in this act shall be paid over to him, shall execute an official bond, payable to the State of North Carolina, in the usual manner, equal to the greatest amount which may at any time come into his hands by reason of this act, conditioned for his faithful safe-keeping of the same and rendering a due account in respect thereto, and in all things holding, dispensing and accounting for the same, as is required by law, which bond shall be passed upon and accepted and received by the Board of Commissioners of Wake County; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are upon the road fund, and shall be signed by the chairman and the clerk of the board of county commissioners: *Provided*, that the costs of giving the treasurer's bond provided for in this section shall be paid out of the road fund.

Funds kept separate.

Bond of treasurer.

Orders for road funds.

Proviso: cost of giving bond.

SEC. 58. When said bonds have been issued the Board of Commissioners of Wake County shall apply so much of the road tax hereinbefore provided to be levied for road purposes as may be necessary to provide for the payment of interest upon the same and to create a sinking fund sufficient to meet the payment of said bonds at their maturity, which tax shall not exceed fifteen cents on the hundred dollars' worth of property and forty-five cents on the poll. The tax so levied shall be collected as other taxes, and a sufficient portion of the same shall be kept by the treasurer of the board of county commissioners as a separate fund, and applied first to the payment of interest on said bonds, and next to the creation of a sinking fund, as aforesaid. It shall be the duty of the Treasurer of Wake County to keep said sinking fund invested in some perfectly safe securities or bonds. Said commissioner of the sinking fund may be required to execute such bond as the board of county commissioners may determine, conditioned for the safe-keeping of said funds and the faithful performance of his duties as sinking-fund commissioner. He shall report to the Board of Reports.

Payment of interest and creation of sinking fund.

Limit of tax.

Collection and application of tax.

Investment of sinking fund.

Bond of commissioner of sinking fund.

Commissioners of Wake County, annually, on the first Monday of December, showing the amount of said funds and such other things as may be required by the board of commissioners of said county.

Apportionment
to townships.

SEC. 59. That in case said bonds shall be voted, as herein provided, the commissioners shall equitably apportion the proceeds of the road tax levied each year by them among the various townships, after first paying the interest on the bonds and such sum as may be due the sinking fund.

Reduction of tax
if bonds are voted.

SEC. 60. That if the majority of the qualified voters of Wake County shall vote "For Good Roads" and the said bonds shall be issued, it shall be the duty of the Board of Commissioners for Wake County to reduce the tax levied in section thirty-eight, of twenty-five cents on the one hundred dollars valuation of property, to fifteen cents on the one hundred dollars valuation of property.

Statements to be
published.

SEC. 61. In case of the sale of any bonds under the provisions of this act, it shall be the duty of the county commissioners to publish annually in some newspaper published in Wake County a duly itemized and verified statement of all receipts and disbursements.

Compensation of
treasurer and
commissioner of
sinking fund.

SEC. 62. The Board of County Commissioners for Wake County is hereby given discretionary power to fix the amount of commissions to be paid the commissioner of the sinking fund and the treasurer for his services performed in receiving and disbursing the moneys arising from the sale of these bonds; but in the event of a bond issue the commissions of the Treasurer of Wake County shall be fixed by the county commissioners, and in no event shall the sum total received by him in any one year for all receipts and disbursements of the proceeds of said bonds exceed the sum of five hundred dollars.

Application of
law.
Laws repealed.

SEC. 63. That this act shall apply only to Wake County.

SEC. 64. That chapter seven hundred and ninety-two, Public Laws of one thousand nine hundred and five; chapter five hundred and fifty-one, Public Laws of one thousand nine hundred and three; chapter two hundred and thirty-three, Public Laws of one thousand nine hundred and three, as relates to Wake County; chapter six hundred and sixty-seven, Public Laws of one thousand nine hundred and five, and chapter three hundred and sixty-five, Public Laws of one thousand nine hundred and seven, and other laws and parts of laws in conflict with this act, are hereby repealed.

When act
effective.

SEC. 65. That this act shall take effect and be in force from and after the first day of March, one thousand nine hundred and nine.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 282.

AN ACT TO AUTHORIZE CERTAIN TOWNSHIPS IN BLADEN COUNTY TO ISSUE PUBLIC-IMPROVEMENT BONDS.

Whereas the townships of Hollow, Bethel and Elizabethtown, in Preamble.
Bladen County, North Carolina, have no railroad facilities; and
whereas the inhabitants of said townships are desirous of provid-
ing railroad facilities for said townships, for the better develop-
ment and improvement of the same: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all that territory now embraced in the town- District estab-
ships of Hollow, Bethel and Elizabethtown, in the county of Bladen, lished and incor-
State of North Carolina, as the lines of said townships are now porated.
established, shall be and is hereby created a body politic and corpo-
rate, for the purposes hereinafter mentioned, to be known as the Corporate name.
"West Bladen Public Improvement District," and in that name Corporate powers.
shall perform all of the acts necessary and proper for the carrying
out of the provisions of this act, as hereinafter set out.

SEC. 2. That for the purposes of this act the said West Bladen Powers vested in
Public Improvement District is hereby vested with full power to district.
donate money, bonds or other securities, or subscribe to the capital
stock of any railroad company, and to assume the contract of in-
debtedness for the payment of said donation or subscription, and
shall have generally all the powers necessary and convenient to
carry out the provisions of this act, and shall have all the rights
and be entitled to all the privileges in respect to any of the rights
and liabilities which may grow out of the provisions of this act.
The Board of County Commissioners of Bladen County are hereby Corporate agents.
declared to be the corporate agents of the said West Bladen Public
Improvement District, so incorporated for the purpose of making
a donation or subscription to the capital stock, issuing the bonds
and providing for the levying and collecting of taxes on property
and polls to pay the principal and interest of said bonds and to
provide a sinking fund, as hereinafter mentioned; and the said
Board of County Commissioners of Bladen County shall have full
authority to act as said corporate agents.

SEC. 3. That for the purpose of aiding and encouraging the con- Donation to rail-
struction of a permanent railroad through the territory hereinbe- road company
fore referred to, said railroad to begin at Fayetteville, in the county authorized.
of Cumberland, North Carolina, or at St. Paul's, in the county of
Robeson, North Carolina, or at some point between Fayetteville and
St. Paul's, as aforesaid, said point to be more specifically designated
in the notice of election herein provided for, and extending through
the townships of Hollow, Bethel and Elizabethtown, in Bladen
County, North Carolina, to the town of Elizabethtown, in said
county, the said West Bladen Public Improvement District may

Presentation of petition.	donate a sum or sums of money, bonds, securities or other property, or may subscribe to the capital stock of any railroad company which may contract to construct said railroad, either in money, bonds, securities or other property, in the following manner: Upon the presentation of a petition in writing, signed by not less than ten per cent of the registered voters, as shown by the registration books of the townships of Hollow, Bethel and Elizabethtown, in Bladen County, for the general election in November, one thousand nine hundred and eight, to the Board of Commissioners of Bladen County, requesting them to submit to the qualified voters of the territory embraced within the said district hereinbefore mentioned a proposition to donate or to subscribe a definite sum, to be named in said petition, and whether in money, bonds or otherwise, and if bonds, for what length of time they shall run, the Board of Commissioners of Bladen County shall within twenty days order an election to be held within the territory embraced within the said district, as hereinbefore set out, for the purpose of submitting to the qualified voters therein the question of a donation to any railroad company or of subscription to the capital stock of any railroad company which shall contract to build said railroad, as hereinbefore mentioned, the amount specified in the petition, at which election all qualified voters who are in favor of such donation or subscription shall vote a ballot on which shall be written or printed the words "For Donation" or "For Subscription," as the case may be, and those opposed to such donation or subscription shall vote a ballot on which shall be written or printed the words "Against Donation" or "Against Subscription," as the case may be; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as is now provided by law for election of members of the General Assembly. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed donation or subscription; and if the same is to be made in bonds, the terms of the said bonds as to rate of interest and time of payment shall have been posted at the courthouse door in Bladen County and at the regular polling places in Hollow, Bethel and Elizabethtown townships, in said county, and the said election shall be held at the regular voting places now provided by law in the said townships, and all of the qualified voters in each of said townships shall vote at the respective voting places in said townships, and the returns of the said election shall be made in duplicate to the Board of County Commissioners of Bladen and to the County Board of Elections of Bladen County. If a majority of the qualified voters within said territory shall vote "For Donation" or "For Subscription," then the Board of Commissioners of Bladen County shall, at any regular meeting or at a special meeting, enter into a contract with the railroad company which may propose to construct said railroad, and shall make the
Vote at general election.	
Proposition to be submitted.	
Election to be ordered.	
Question to be submitted.	
Ballots.	
Law governing election.	
Notice of election.	
Voting places.	
Returns.	
Contract if donation is voted.	

donation or subscription to said railroad company as authorized by said election; and the said Board of County Commissioners of Bladen County shall thereupon provide for the execution, issue and delivery of the coupon bonds in the name of the said West Bladen Public Improvement District, to the amount of said donation or subscription, in order to pay the same, and the bonds upon their face shall indicate the name of the district, county and State for which they are issued. Said bonds shall be in the denomination of not less than five hundred and not more than one thousand dollars, and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. The said bonds shall be signed by the chairman of the board of county commissioners, attested by the clerk of said board and witnessed by the official seal of Bladen County. That in order to ascertain who shall be entitled to vote in said election there shall be an entirely new registration of the voters in the territory embraced in said West Bladen Public Improvement District; and for the purpose of providing for said new registration and appointing registrars and judges of election for the same, the County Board of Elections of Bladen County, as now constituted, is hereby authorized and directed to meet, upon the call of the chairman, at the courthouse in Elizabethtown, North Carolina, within ten days after being notified by the clerk of the board of county commissioners that said election has been ordered; and the said county board of elections at said meeting shall order a new registration in the townships of Hollow, Bethel and Elizabethtown, and shall appoint registrars and judges in each of the said townships for the purpose of holding the election here provided for, and shall furnish the said registrars with registration and poll books, ballot boxes and all other necessary means for the holding of the said election. It shall be the duty of the registrar in each of the said townships, between the hours of nine o'clock A. M. and sunset of each day (Sundays excepted), for twenty days preceding the second Saturday before such election, to keep open said books for the registration of any electors residing within his township and entitled to registration. The said books shall be closed for registration at sunset on the second Saturday before said election. On each Saturday during the period of the registration the registrar shall attend with his registration book at the polling place of his township for the registration of voters. Each registrar, before entering upon the discharge of his duties, shall take an oath before a justice of the peace or some other person authorized to administer oaths that he will support the Constitution of the United States and the Constitution of North Carolina, not inconsistent therewith, and that he will honestly and impartially discharge the duties of registrar and honestly and fairly conduct such election. Immediately after the election the registrars and judges of election

Execution, issue
and delivery of
bonds.

Denominations.

Maturity and
interest.

Authentication.

New registration.

Appointment of
registrars and
judges of election.

Registration and
poll books and
ballot boxes.

Registration.

Registrars to be
sworn.

Returns.

Law governing election.	shall make their returns in duplicate, and shall deliver one to the Clerk of the Superior Court of Bladen County and shall deposit the other, together with the registration books, with the Register of Deeds of Bladen County. Except as is herein otherwise provided, the said election shall be conducted according to the rules and regulations now provided for the election of members of the General Assembly. The Board of Commissioners of Bladen County shall canvass said election returns and declare the result thereof, and record the same in the minutes of the board of commissioners of said county of Bladen.
Canvass of returns.	
Tax for interest and sinking fund.	SEC. 4. The Board of County Commissioners of Bladen County shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the provisions of this act, compute and levy each year, at the regular time for levying taxes for State and county purposes, a sufficient tax on all taxable property and polls within the territory embraced in the said West Bladen Public Improvement District, as herein provided, to pay the interest on the bonds issued on account of the said West Bladen Public Improvement District, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of the said bonds at maturity: <i>Provided</i> , that in levying the said taxes they shall observe the equation between property and polls, as prescribed by the Constitution of the State of North Carolina; that the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officer of Bladen County to the Treasurer of Bladen County, and the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes and shall be used for the purposes for which they are levied, and for no other; that the sheriff or other officer in charge of the collection of said taxes, and the treasurer who shall hold and disburse the same, shall in respect thereto be liable officially as well as personally, as provided by the law governing their respective offices.
Proviso: constitutional equation.	
Collection and payment of taxes.	
Specific appropriation.	
Liability of officers.	
Accounts of sinking fund.	SEC. 5. That in order to provide for the safe-keeping and investing of the funds arising from the taxes levied under this act, the Treasurer of Bladen County shall open upon his books as county treasurer an account to be designated the "West Bladen Public Improvement District sinking fund," and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said sinking-fund account, and there kept separate and distinct from all other funds for the purpose of paying the principal of said bonds at maturity. The sinking fund shall be invested by the Treasurer of Bladen County as may be directed by the Board of Commissioners of Bladen County: <i>Provided</i> , that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act.
Investments of sinking fund.	

SEC. 6. That after the railroad provided for in this act is constructed and the property thereof is assessed for taxation by the lawful authorities, the Board of County Commissioners of Bladen County shall set apart from all other county tax all the taxes paid each year as county taxes by the railroad company owning the said railroad on their property lying and being in the territory embraced in the district hereinbefore created, and the sum so paid each year on the said railroad property in said district shall be paid over to the County Treasurer of Bladen County by the sheriff or other officer collecting said taxes, and by the said treasurer kept separate and distinct from all other county taxes, and the same shall be expended by the Board of Commissioners of Bladen County exclusively in the payment of the interest which shall accrue upon the bonds issued under the terms of this act by the said West Bladen Public Improvement District, so far as the said taxes may be necessary to pay said interest, and after the payment of the interest, then towards the redemption of the principal of said bonds issued to aid in the construction of said railroad; and if, after paying the interest accruing upon said bonds, there shall be a surplus of said taxes, the same shall be invested by the Treasurer of Bladen County, under the direction of the board of commissioners of said county, as a sinking fund for the redemption of the principal of said bonds at maturity; the intent of this act being that the special taxes levied upon all the property and polls in the said district, as herein provided, shall be supplemented by all the general county taxes levied and collected on the specific railroad property in aid of which bonds are to be issued as provided herein, and that the county taxes to be paid on the specific railroad property to be constructed under the terms of this act in the territory issuing said bonds in aid of said railroad shall not be used by the county as a part of the general county funds until the said territory shall have been reimbursed by said county taxes upon said railroad for the principal and interest of the bonds issued hereunder; said reimbursement to be expended, after the payment of said bonds and interest, in the improvement of the roads, bridges and public schools in said district hereby created: *Provided*, that if said district shall receive stock in said railroad for any bonds issued under the provisions of this act, said stock shall be sold within five years from the date of the issuing of said bonds by the Board of Commissioners of Bladen County at public auction, for cash, at the courthouse door in Bladen County, after due advertisement of said sale, as now required by law in sales of real estate under execution, and the proceeds from the sale of said stock shall thereupon be paid over to the Treasurer of Bladen County and shall thereby become a part of said "West Bladen Public Improvement District Sinking fund"; and the amount thereof shall be applied as a credit upon the bonded debt hereby created in exoneration, *protanto*, of the general county taxes upon the specific railroad property, as hereinbefore provided.

Railroad taxes applied to interest and sinking fund.

Investment of surplus.

Proviso: stock of railroad issued for donation.

Railroad taxes
after payment of
bonds.

SEC. 7. That whenever the bonded debt, principal and interest, of said district created by this act, contracted for the aid of the railroad provided herein, shall have been paid by the general county taxes on the specific railroad property within said district, and the said district shall have been fully reimbursed out of said county taxes for the amount paid on account of said bonds and interest, then this act shall be and become inoperative, and all such general county taxes levied upon and collected from said specific railroad property shall thereafter be paid into the general county funds of Bladen County and expended by the board of commissioners or other corporate authorities as other general county taxes.

Accounts kept by
county treasurer.

SEC. 8. That in order to carry into effect the provisions of this act the county treasurer shall keep a true and perfect account of all of the said taxes collected, from what source collected, the amount of interest and principal, and interest received and disbursed, and all other information which may be necessary for the due compliance of the provisions of this act. The sheriff or other tax collector and the Treasurer of Bladen County collecting or receiving or disbursing any of the said taxes shall be liable on their official bonds, in the same manner as they are liable for other county taxes, for the faithful and honest performance of the duties imposed by this act.

Liability of
officers.

Elections in other
townships.

SEC. 9. That any other township or townships in said county of Bladen, upon petition of not less than ten per cent of the qualified voters in said townships, may hold an election under the provisions of this act, said election to be ordered by the county commissioners of Bladen County for the purpose of voting on issuing bonds in a specific amount for the purpose of aiding in the construction of the railroad, herein provided for, through said townships.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 283.

AN ACT TO FACILITATE THE RELEASE OF MORTGAGES AND DEEDS OF TRUST.

The General Assembly of North Carolina do enact:

Personal repre-
sentative given
power.

SECTION 1. That the personal representative of any mortgagee or trustee in any mortgage or deed of trust which has heretofore or which may hereafter be registered in the manner required by

the laws of this State may discharge and release the same and all property thereby conveyed by deed of quitclaim, release or conveyance executed, acknowledged and recorded as is now prescribed by law for the execution, acknowledgment and registration of deeds and mortgages in this State.

SEC. 2. That any and all mortgages or deeds in trust heretofore marked "Satisfied" on the records wherein same are recorded by any president, secretary, treasurer or cashier of any such corporation by such officer writing his own name and affixing thereto the title of his office in such corporation, such satisfaction of such mortgage or deed in trust is hereby validated, and the same shall be as effective to all intents and purposes as if a deed of release duly executed by such corporation had been made, acknowledged and recorded: *Provided, however,* the provisions of this section shall not apply to any suits now pending in the courts of the State nor to future cancellations and releases of deeds in trust and mortgages which may be cancelled as now provided by law and by section three hereof.

Satisfactions heretofore entered validated.

Proviso: suits now pending.

Future releases.

SEC. 3. That all mortgages and deeds in trust executed to a corporation may be satisfied and so marked of record, as by law provided for the satisfaction of mortgages and deeds in trust, by the president, cashier, secretary or treasurer of such corporation signing the name of such corporation by him as such officer.

Release by corporations.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 284.

AN ACT TO REGULATE STOCK IN STOCK-LAW TERRITORY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all territory where the stock law prevails and is in force it shall be unlawful for any person or persons living outside of any stock-law territory to turn in, or in any other way cause any stock to be turned in, in the inside of said stock-law territory, any stock, without first obtaining written consent of all the landowners living inside of said stock-law territory.

Stock owned outside of territory.

SEC. 2. That it shall be unlawful for any mischievous or vicious stock or animal to run at large, either in the inside of any stock-law territory or for any such stock or animal to run at large outside of any stock-law territory.

Mischievous or vicious stock.

SEC. 3. That anyone violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned thirty days.

Misdemeanor. Punishment.

Laws not re-
pealed.

SEC. 4. That this act shall not repeal any law or clauses of laws now in force and effect.

Application of act.

SEC. 5. That this act shall only apply to the counties of Lenoir and Swain.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 285.

AN ACT TO AMEND SECTION 2613 OF THE REVISAL OF 1905, REGULATING THE OPERATION OF FREIGHT TRAINS ON SUNDAY.

The General Assembly of North Carolina do enact:

Solid through
freight trains.

SECTION 1. That section two thousand six hundred and thirteen of the Revisal of one thousand nine hundred and five be amended as follows: Add after the word "same" and before the word "*Provided*," in line eleven of said section, the following: "*Provided*, that solid trains, made up of through freight cars, reaching on Sunday any point upon any railroad in North Carolina and destined for some point or points beyond the limits of the State of North Carolina, may be continued as a solid through freight train along the line of said railroad through the State of North Carolina, without stopping said train for other purposes than to take on fuel and receive necessary running orders.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 286.

AN ACT TO BUILD BRIDGES IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Construction
authorized.

Location across
Little Ivy.

SECTION 1. That the county commissioners of Madison County are authorized to construct single-track iron bridges across the following streams, to-wit: One across Little Ivy at the forks or near the forks, as the commissioners in their judgment may think best; shall build and construct said bridge on the road across said Little Ivy leading from Mars Hill to Asheville, North Carolina.

Big Laurel.

SEC. 2. That the county commissioners of Madison County are authorized and shall construct a bridge across Big Laurel at or

near the ford known as the Horse Shoe, on the road from White Rock, Madison County, by the way of Walnut to Marshall, Madison County, said bridges to be used by the public as free bridges.

SEC. 3. The county commissioners of Madison County shall levy a tax of eight and one-third cents on every one hundred dollars' worth of taxable property in Madison County for the purpose of carrying out the provisions of this act, on the first Monday in June, one thousand nine hundred and nine, and on the first Monday in June, one thousand nine hundred and ten, and annually thereafter, until said bridges are paid for. Said tax levied shall be used to build and construct said bridges, and said funds shall not be used for any other purpose.

SEC. 4. That said commissioners shall let out the contract for building said bridges to the lowest bidder: *Provided*, that said bidder be competent as a mechanic to construct or build said bridges in a manner that will be satisfactory to such persons that the county commissioners may select, who must be a man or men who are experienced in bridge building.

SEC. 5. That said commissioners shall build said bridges have the same open for the public on or before the first of November, one thousand nine hundred and ten.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 287.

AN ACT TO PROVIDE A METHOD TO CONDEMN LANDS TO BE USED IN THE OPERATION OF MILLS IN THE COUNTIES OF ALLEGHANY, ASHE AND WATAUGA.

The General Assembly of North Carolina do enact:

SECTION 1. That any person owning a public grist or water mill, or proposing to construct such mill, and who does not own the land above the same necessary to construct a race, flume or waterway for the flow of the water to the said mill which may be necessary or essential to produce power capable of properly running said mill, and who cannot obtain from the owner or owners of said land the title of said waterway by purchase, may have the same condemned and acquire title thereto in the manner hereinafter set forth in this act.

SEC. 2. When any land situate above such mill may be required by the owner of said mill or mill property for the purpose of constructing the race or flume necessary to be used in running the water to said mill or mill property, and for want of agreement as to the value thereof, or from any other cause, the same cannot be

purchased from the owner thereof, the same may be taken at a valuation of three disinterested freeholders, or a majority of them, to be appointed by the clerk of the Superior Court of the county where some part of the land is situate. In making said valuation said commissioners shall take into consideration the loss or damage which may occur to the owner or owners thereof in consequence of the land being surrendered. Ten days' notice must be given to the owner of the land before such petition is heard and acted upon. Said commissioners shall go upon the land proposed to be taken for said mill race or flume and determine the amount of land necessary for the flow and use of said water in race or flume, and place a valuation thereon and make a report to said clerk showing the land condemned for the purpose aforesaid, and a plat and description thereof, and fix a value thereon and report the same to the said clerk, who shall confirm the said report, if there be no exception filed thereto by any person who may own the land upon which said race or flume is laid out: *Provided*, that no yard, garden, orchard or burial ground shall be condemned for said purpose. Said landowner may file exceptions thereto, subject to the rules and restrictions in such cases, and with the right of appeal by either party as the same exists in cases of petitions for public roads under the general road law of the State: *Provided further*, that no person shall enter upon the land so condemned until he shall have paid the costs adjudged against him in the proceeding and the damages assessed by the commissioners herein provided for. If the owner refuses to receive payment, the payment may be made to the clerk for the owner's benefit.

Proviso: lands not subject to condemnation.

Proviso: no entrance upon lands before payment.

Report registered.

SEC. 3. A copy of the report of the commissioners, duly certified by said clerk, after the proceeding is terminated, with the description and plat of the land condemned, may be registered in the office of the register of deeds of the county where the land is situate, and shall vest title in the owner of the mill.

Relief refused.

SEC. 4. That if said commissioners or the court, on appeal, shall find that said mill is not needed by the public, or that the damage to the owner of the land sought to be condemned is too great, they shall have a right to refuse the relief asked for.

Surveyor.

SEC. 5. Said commissioners, in the discharge of their duties, may employ a surveyor (if one of them is not a surveyor) to aid them in the discharge of their duties, and he and said commissioners shall each be allowed two dollars per day for the time they are engaged in their duties in any proceeding, which costs shall be taxed and paid as other costs are paid in the proceeding.

Pay of jury of view and surveyor.

Application of act.

SEC. 6. That this act shall apply to the counties of Alleghany, Ashe and Watauga only.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 288.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HARNETT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING BRIDGES IN SAID COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of erecting two steel bridges across Cape Fear River, in Harnett County, located near the town of Lillington and the village of Duke, respectively, and for the purposes of building and grading approaches leading to each of said bridges, and for the purpose of reimbursing said county for moneys already expended by it for said purpose, and for the purpose of defraying the expenses of reclaiming the material of two steel bridges belonging to said county which were wrecked and destroyed by floods in the Cape Fear River, and for the purpose of reimbursing the county for such expenditures as it has already made in this behalf, and for the purpose of repairing and rebuilding other bridges in said county injured or destroyed by floods in the streams of said county during the year one thousand nine hundred and eight, and for the purpose of reimbursing said county for expenses necessarily incurred by it in equipping, maintaining and operating two public ferries across the Cape Fear River in lieu of the two steel bridges destroyed by floods in said river, pending the rebuilding of said bridges, and generally for the purpose of reimbursing said county for all necessary expenses incurred by said county on account of floods in the streams of said county during the year one thousand nine hundred and eight, and for the further purpose of enlarging and equipping a home and farm for the support of the indigent poor of said county, the Board of Commissioners of Harnett County are hereby authorized and empowered to issue bonds to an amount not to exceed forty thousand dollars, with coupons attached, calling for interest, payable annually or semiannually, at a rate not to exceed six per centum per annum, said coupons to be due and payable, if annually, on the first day of January, and if semiannually, on July first and January first in each year. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be dated as of the first day of January, one thousand nine hundred and nine, and shall be due and payable at a date or dates to be fixed by the board of commissioners, not later than thirty years after date—that is to say (not later than) on the first day of January, one thousand nine hundred and thirty-nine.

Purposes of bond issue.

Bond issue authorized.

Amount.

Interest.

Denominations.

Maturity.

SEC. 2. That said bonds shall not be sold or exchanged at a less sum and rate than their par value; and the interest coupons from and after maturity shall be received in payment of any and all taxes or other indebtedness due the said county.

Bonds not to be sold below par.

Coupons receivable for county taxes.

- Authentication. SEC. 3. Said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board, and shall have the seal of said county affixed thereto, and the interest coupons shall be signed by a lithographed facsimile of the signature of said chairman. 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 an inspection of said book the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to the inspection of any taxpayer in the county, and any clerk of the board, county officer or other person having custody of said book who shall refuse 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.
- Record of bonds.
- Books open for inspection. Refusal a misdemeanor.
- Punishment.
- Registered bonds. SEC. 4. That the said bonds, at the option of the holder or holders thereof, shall be registered by the clerk of the board of county commissioners of said county, and after such registration shall be transferable only by endorsement.
- Misapplication of funds a misdemeanor.
- Punishment.
- Responsibility of purchasers of bonds.
- Special tax for interest and sinking fund.
- Rate. SEC. 5. Any officer or employee of the said county who shall apply the proceeds of any bond or bonds issued under this act, or exchange any such in any other manner or for any other purpose than is provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned not less than six months, or both, in the discretion of the court, but the holders of said bonds shall in no respect be responsible for the application of said funds.
- SEC. 6. That the board of county commissioners of the county of Harnett shall annually levy a special tax upon the property of the citizens of said county, and upon the polls and upon such property of a nonresident which may be situate in said county and subject to taxation, to an amount sufficient to provide for the payment of the interest that may accrue upon said bonds, and in like manner provide for the payment of the principal of said bonds at maturity by creating a sinking fund for that purpose, which special tax shall not exceed fifteen (15) cents on each one hundred dollars valuation of taxable property or forty-five (45) cents on each taxable poll.

SEC. 7. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 289.

AN ACT AMENDING THE ROAD LAW FOR McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all final awards of damages to the owner or owners of land over which any new road may be laid out and built, or upon which any relocation of any part of any old road may be laid and built, which exceeds on any one new road as the total damages for the location thereof and on any change or changes on any one old road as the total amount thereof the sum of one hundred dollars, shall be paid by the county of McDowell, and that all such awards of one hundred dollars or less shall be paid by or out of the funds apportioned to, as the case may be, the township in which the road is located.

Awards paid by county.

Awards paid by townships.

SEC. 2. That justices of the peace and regularly ordained and acting ministers of the gospel shall be exempt from work upon the public roads of McDowell County.

Justices and ministers exempt from road duty.

SEC. 3. That no person shall be exempted by the board of supervisors of any township from work upon the public roads who is not so seriously maimed as to hinder him from performing usual manual labor, or who is not visibly otherwise so seriously afflicted as to hinder him from performing usual manual labor, except upon the certificate of some regular practicing physician to the effect that the applicant is so seriously afflicted, stating the name of the disease with which he is afflicted, as to hinder him from performing usual manual labor, and that in such cases no exemption shall be granted for a longer time than twelve months.

Exemptions from road duty limited.

SEC. 4. That all overseers of public roads shall be paid one dollar from the funds apportioned to the township in which he serves for every warning of his hands to work upon the public roads: *Provided*, that not more than three warnings in any one year shall be compensated; and *Provided further*, that no overseer shall be paid for any warning of his hands unless he warns every man assigned to him on his list of hands who at the time of working resides or has been for ten days located or employed in his township, giving him the warning as required by law.

Pay of overseers for warning hands.

Proviso: not more than three warnings.

Proviso: all hands to be warned.

SEC. 5. That this act shall apply to the whole of McDowell County, including Marion Township, but shall apply to no other county: *Provided*, this act shall not apply to Crooked Creek Township.

Application of act.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 290.

AN ACT FOR THE BETTER WORKING OF THE PUBLIC
ROADS IN CURRITUCK COUNTY.*The General Assembly of North Carolina do enact:*

- Special road district declared. SECTION 1. That for the purpose of building, improving and maintaining in good order the public roads and highways in a certain section of Currituck County the following-described territory is hereby created a special road district in said county: Beginning at Albemarle, in Chesapeake Canal, at the foot of the public road leading to Church's Island, and running in a northerly direction to the north end of said island; thence around said island to Parker's Creek; thence in a westerly direction to the Albemarle and Chesapeake Canal, the beginning.
- Boundary.
- Persons subject to road duty. SEC. 2. That all able-bodied men between the ages of sixteen and fifty years dwelling in said district shall be subject to road duty in said district. It shall be the duty of the overseer of said roads in said district to summon all able-bodied men between the ages of sixteen and fifty years living in said road district to work upon the said roads at least twelve days in each year, said work to be done whenever in the judgment of said overseer it is needed.
- Overseer to warn hands.
- Road duty.
- Penalty for failure to work. SEC. 3. Any person failing to work upon said road as provided in section two of this act shall be subject to a fine of two dollars for each day said person fails to work on said road after having received the notice set out in section four of this act.
- Warning to road hands. SEC. 4. That it shall be the duty of the said overseer to give such person one day's notice to work upon said road prior to the time which said work shall begin, and also notify such person what kind of work tool to bring with him.
- SEC. 5. That all laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified this the 23d day of February, A. D. 1909.

CHAPTER 291.

AN ACT TO ALLOW THE COMMISSIONERS OF IREDELL
COUNTY TO LEVY A SPECIAL TAX TO PAY THE INDEBT-
EDNESS INCURRED IN ERECTING A NEW COUNTY JAIL.*The General Assembly of North Carolina do enact:*

- Special tax authorized. SECTION 1. That the county commissioners of Iredell County be and they are hereby authorized and empowered to levy a special tax, not to exceed ten cents on the one hundred dollars valuation
- Rate.

of property in said county, for the purpose of paying off any indebtedness incurred and to be incurred in the erection of a new county jail.

SEC. 2. That said tax shall be levied for each and every year hereafter until said debt is paid.

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

SEC. 4. This act shall take effect from its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 292.

AN ACT PERMITTING THE COMMISSIONERS OF RUTHERFORD COUNTY TO DONATE LANDS FOR THE PURPOSE OF ERECTING A CONFEDERATE MONUMENT THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Rutherford County be and they are hereby authorized and empowered to donate as much as may be necessary of the courthouse lot in Rutherfordton for the purpose of erecting a Confederate monument thereon. Donation authorized.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 293.

AN ACT TO CHANGE THE BOUNDARY LINES OF GLENOLA SPECIAL-TAX SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines of Glenola Special-tax School District, in Randolph County, be and the same are hereby changed, so as to include the lands of C. F. Coltraine, deceased, now embraced within said boundaries, and extended so as to include the adjoining lands of B. T. Hunt, G. W. Rush, John A. Hill, G. C. Floyd, Mrs. S. F. Branson and E. F. Walker. Boundary lines changed.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 294.

AN ACT TO PREVENT THE SALE OF CERTAIN COMMODITIES AT THE ANNUAL MEETING OF THE LOWER COUNTRY LINE PRIMITIVE BAPTIST ASSOCIATION.

The General Assembly of North Carolina do enact:

Limit of prohibition.

SECTION 1. That it shall be unlawful for any person, firm or corporation, except at their regular place of business, to sell or offer for sale within one and one-half miles of any meeting of the

Times of prohibition.
Commodities prohibited.

Lower Country Line Primitive Baptist Association, at any time during the three days and nights of the meeting, any confectioneries, candies, lemonade, Coca-cola, Pepsi-cola, soda water, ginger ale or any cold or soft drinks or concoction of any kind whatsoever, or any cigars, cigarettes or tobacco of any kind.

Misdemeanor.

Any person, firm or corporation so offending shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days, or both, at the discretion of the court.

Punishment.

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

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 295.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO ISSUE BONDS TO PAY AND FUND THE DEBT OF THE BOARD OF ROAD COMMISSIONERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. That for the purpose of paying off and funding the floating debt of the Board of Road Commissioners of Wake County, caused by the loss of revenues occasioned by the voting out of the dispensary, the Board of Commissioners of Wake County are hereby authorized and empowered to issue twenty thousand dollars in bonds, of not less than five hundred dollars nor more than one thousand dollars, with coupons attached, calling for interest at the rate of five per cent per annum on the principal of each bond, said coupons to be due and payable July first and January first in each year.

Bond issue authorized.

Denominations.

Interest.

Date and maturity.

Authentication.

SEC. 2. Said bonds shall be dated as of the first day of January, one thousand nine hundred and nine, and shall be due twenty years after date—that is to say, on the first day of January, one thousand nine hundred and twenty-nine, and shall be signed by the chair-

man of the board of commissioners and countersigned by the clerk of the said board. A record shall be kept in a book suitable for the purpose of the issue of the bonds, and the amount of each bond and the name of the person to whom sold, by the clerk of the board. He shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise canceled, so by inspection of said book the true state of the bonded debt herein provided shall be ascertained.

SEC. 3. The bonds or coupons provided for by this act shall be receivable in payment of all county taxes, which shall be so expressed on their face. Record and account of bonds.
Bonds and coupons receivable for county taxes.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A. D. 1909.

CHAPTER 296.

AN ACT TO REGULATE THE CALL OF THE CIVIL DOCKET IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six, Revision of one thousand nine hundred and five, chapter twenty-eight, subhead "Rowan County," be amended by striking out, in lines four and five, on page four hundred and fifty-three, the words "the civil docket not to be called at the May and November terms until the second week." Call of civil docket.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A. D. 1909.

CHAPTER 297.

AN ACT TO AUTHORIZE THE TRUSTEES OF CROSS CREEK GRADED SCHOOLS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of Cross Creek Graded Schools, as established by chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three, shall be and remain a body corporate under that name, and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. The said corporation shall be vested with all of the property, real and personal, choses in action, rights in action and other rights, privileges and powers Trustees incorporated.
Corporate powers.

Sale of property authorized.	now owned, held and enjoyed by, and subject to all the duties and obligations devolving upon the Board of Trustees of Cross Creek Graded Schools by existing laws. Said board of trustees shall have the right to sell and convey the present school property known as the "Seminary" building and lot, on Hay Street, in the city of Fayetteville, and any other real or personal property belonging to the public schools in Cross Creek Township, whenever in their opinion it is advisable and for the promotion of the educational interests of the children of said township; and said board
Power to call in and pay bonds.	is hereby authorized to call in and pay the present outstanding issue of bonds, as provided for in said chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three, out of any funds which may come into their hands, either from the bond issue hereinafter authorized or from any other source, if they deem it for the best interests of said schools.
Bond issue authorized. Amount. Denominations. Interest.	SEC. 2. That said board of trustees is hereby authorized to issue coupon bonds in any amount not to exceed the sum of fifty thousand dollars (\$50,000) and in denominations of one hundred dollars (\$100) or multiples thereof, bearing interest from date of bonds at a rate not to exceed five per cent (5%) per annum, payable semiannually on the first day of January and the first day of July of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be payable at a time and place to be fixed by said trustees and named therein, not to be less than five nor more than thirty years from date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman of said board or by their facsimile signatures, as may be authorized by them. A record shall be kept of said bonds, showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof and when the same shall mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of the payment of the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.
Maturity.	
Authentication.	
Record of bonds.	
Bonds not to be sold below par.	SEC. 3. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees shall not deliver said bonds or any of them to the purchaser thereof until the purchase money shall be paid to the treasurer of said board and his receipt to the purchaser produced as evidence of such payment, and the treasurer of the said board shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same; and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in
Not delivered until paid for.	
Bond of treasurer.	

amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.

SEC. 4. That the treasurer of the said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for necessary school sites, in the erection of suitable new buildings, in furnishing the same with the necessary equipments and furnishings for the accommodation of the public schools of Cross Creek Township and for such other school purposes as the trustees may order the same to be disbursed.

SEC. 5. That the said board of trustees shall have power to fix the compensation of the treasurer for performing the duties conferred upon him by this act.

SEC. 6. That it shall be the duty of said board of trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, as near as may be feasible, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Cross Creek Township for public schools a sum as nearly sufficient for that purpose as possible.

SEC. 7. That it shall be the duty of said board of trustees to provide each year for the payment semiannually of the interest on said bonds, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to said Cross Creek Township for public schools a sum sufficient to pay the same.

SEC. 8. The question of issuing of bonds shall be submitted to the qualified voters of Cross Creek Township at an election to be held at such time and place as may be directed by the Board of Commissioners of Cumberland County, who are required, upon a request from the Board of Trustees of Cross Creek Graded Schools, to call the election and provide for holding the same. Notice of said election shall be published in some newspaper published in the city of Fayetteville thirty days prior thereto, and the election shall be held under the rules, regulations and directions existing for the election of the members of the House of Representatives and not inconsistent with the provisions of this act. At said election those who are in favor of issuing the said bonds shall vote a written or printed ballot, without device, with the words "For School Bonds" upon it, and those opposed to issuing said bonds shall vote a written or printed ballot, without device, with the words "Against School Bonds" upon it. The number of ballots cast for and against said bonds shall be counted and the result of the said election certified and returned to the Register of Deeds of Cumberland County, who shall furnish to the chairman of said board of trustees a certified copy of said return, under

Appropriation of
proceeds of bonds.

Compensation of
treasurer.

Sinking fund.

Payment of
interest.

Question to be
submitted to
voters.

Call of election.

Notice of election.
Law governing
election.

Ballots.

Certificate and
return of result.

- Effect of election. seal, and also send a like copy of said return to the Secretary of State, which said secretary shall file in his office. If at the election a majority of the qualified voters voting shall vote "For School Bonds," then the said board of trustees shall proceed at once to issue and sell said bonds or so many thereof as may be necessary in the judgment and discretion of said board of trustees for the purposes aforesaid.
- Special tax to be levied. SEC. 9. That if a majority of the qualified voters voting shall vote at said election in favor of said bonds it shall be the duty of the Board of Commissioners of Cumberland County and they are hereby required to levy annually a special tax, not exceeding ten cents on a one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina and not to exceed thirty cents upon the poll, to support said schools, in addition to the special tax of twenty-five cents now authorized and levied on a one hundred dollars of property and seventy-five cents on the poll, and said tax shall be due and collected annually by the Sheriff of Cumberland County as and at the time other county taxes are due and collected, and the said sheriff shall be subject to the same laws governing the collection and settlement of State and county taxes, and shall be subject to the same penalties prescribed by the said laws, and shall give a good and sufficient bond to secure all taxes collected under this act, said bond to be approved by the county commissioners, and shall receive as compensation for his services the same fees as allowed by law for the collection of State and county taxes: *Provided*, that if the result of said election is not in favor of the issue of said bonds the board of commissioners, upon petition of one-third of the qualified voters of said township, shall order a new election to be held under the same terms, rules and regulations, said election to take place at any time after one year from the previous election.
- Rate.
- Collection of tax.
- Bond of sheriff.
- Compensation of sheriff.
- Proviso: successive elections.
- Election ordered on request of trustees. SEC. 10. That upon the request of said board of trustees the board of county commissioners shall order said election upon the question of issuing bonds in such amount as may be asked for by the said board of trustees, not exceeding the said sum of fifty thousand dollars (\$50,000).
- New registration. SEC. 11. That for the purpose of this act and the holding of said election or elections the Board of Commissioners of Cumberland County shall order and provide for a new registration of the qualified voters in said township, and no voter shall be deemed a qualified voter within the meaning of this act except those whose names are duly registered under the provisions of this act. Said registration shall be subject to the general laws of the State governing the registration of voters.
- SEC. 12. That this act shall be in force from and after its ratification.
- Ratified this the 24th day of February, A. D. 1909.

CHAPTER 298.

AN ACT TO AMEND THE CHARTER OF THE VIRGINIA AND
CAROLINA SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-three of the Private Laws of one thousand nine hundred and three, as amended by chapter two hundred and sixty-nine of the Private Laws of one thousand nine hundred and seven, be further amended by adding after the word "act," in the last line of section sixteen of said chapter two hundred and thirty-three of the Private Laws of one thousand nine hundred and three, and before the words and figures "Sec. 17," the following:

"Sec. 16 (a). That all that territory now embraced in the townships of Hollow, Bethel and Elizabethtown, in the county of Bladen, State of North Carolina, as the lines of the said townships are now established by law, shall be and the same is hereby created a body politic and corporate for the purpose of subscribing to the capital stock of the railroad company created by this act, the said territory to be named by the corporate name of 'Hollow-Bethel-Elizabethtown Public Improvement District,' of Bladen County, State of North Carolina, and in that name shall perform all of the acts necessary and proper for the carrying out of the provisions of this act; that for the purpose of subscribing to the capital stock of this company the said 'Hollow-Bethel-Elizabethtown Public Improvement District' hereby created is hereby vested with full power to subscribe money, rights of way, bonds or other securities to the capital stock of said railroad company, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the privileges in respect to any of the rights and liabilities which may grow out of the provisions of this act. The Board of County Commissioners of Bladen County are hereby declared to be the corporate agents of the said 'Hollow-Bethel-Elizabethtown Public Improvement District' so incorporated for the purpose of making a subscription to the capital stock, issuing the bonds and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund, as hereinafter mentioned; and the said Board of County Commissioners of Bladen County shall have the right and authority to represent and vote any stock of said 'Hollow-Bethel-Elizabethtown Public Improvement District' which may be issued under the provisions of this act at any stockholders' meeting, or they may appoint an agent or proxy therefor; that for the purpose of aiding and encouraging the

District incorporated.

Corporate name.

Corporate powers.

Power to subscribe to stock of railway company.

Corporate agents.

Power to make subscription.

construction of a branch of said railroad from some point on its main line in the county of Robeson or the county of Cumberland, through the townships of Hollow, Bethel and Elizabethtown, in Bladen County, to the town of Elizabethtown, in Bladen County, the said 'Hollow-Bethel-Elizabethtown Public Improvement District' may subscribe a sum of money, bonds, securities or other property to the capital stock of said railroad company which may contract to construct said railroad, either in money, bonds, securities or other property, in the following manner: Upon the presentation of a petition in writing, signed by not less than ten per cent of the registered voters as shown by the registration books of the townships of Hollow, Bethel and Elizabethtown, in Bladen County, for the general election in November, one thousand nine hundred and eight, to the Board of Commissioners of Bladen County, requesting them to submit to the qualified voters of the territory embraced within the said district hereinbefore mentioned a proposition to subscribe a definite sum, to be named in said petition, and whether in money, bonds or otherwise, the Board of Commissioners of Bladen County shall within twenty days order an election to be held within the territory embraced in the said district, as hereinbefore set out, for the purpose of submitting to the qualified voters therein the question of a subscription to the capital stock of said railroad company which shall contract to build said railroad as hereinbefore mentioned, the amount specified in the petition, at which election all qualified voters who are in favor of such subscription shall vote a ballot on which shall be written or printed the words 'For Subscription,' and those opposed to such subscription shall vote a ballot on which shall be written or printed the words 'Against Subscription'; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as is now provided by law for the election of members of the General Assembly. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, and if the same is to be made in bonds, the terms of the said bonds as to rate of interest and time of payment, shall have been posted at the courthouse door of Bladen County and at the regular polling places in Hollow, Bethel and Elizabethtown townships, in said county, and the said election shall be held at the regular voting places now provided by law in the said townships of Hollow, Bethel and Elizabethtown, and all the qualified voters in each of the said townships shall vote at the respective voting places in said townships, and the returns of the said election shall be made in duplicate to the Board of Commissioners of Bladen County and to the County Board of Elections of Bladen County. If a majority of the qualified voters within the said territory shall vote 'For Subscription,' then the Board of Commissioners of Bladen County shall, at any regular meeting or at a

Petition for election.

County commissioners to order election.

Ballots.

Law governing election.

Notice of election.

Voting places.

Returns of election.

Duty of county commissioners if subscription is voted.

special meeting called for that purpose, enter into a contract with the railroad company which proposes to construct said railroad, and shall make the subscription to said railroad company, as authorized by said election; and the said Board of Commissioners of Bladen County shall thereupon provide for the execution, issue and delivery of the coupon bonds in the name of the said 'Hollow-Bethel-Elizabethtown Public Improvement District' to the amount of said subscription, in order to pay the same, and the bonds upon their face shall indicate the name of the district, county and State for which they are issued. They shall be in the denomination of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. The said bonds shall be signed by the chairman of the board of county commissioners, attested by the clerk of the said board and witnessed by the official seal of Bladen County; that in order to ascertain who shall be entitled to vote at said election there shall be an entirely new registration of the voters in the territory embraced in said 'Hollow-Bethel-Elizabethtown Public Improvement District,' and for the purpose of providing for said new registration and appointing registrars and judges of elections for the same the County Board of Elections of Bladen County, as now constituted, is hereby authorized and directed to meet upon the call of the chairman at the courthouse in Elizabethtown, North Carolina, within ten days after being notified by the clerk of the board of commissioners that said election had been ordered, and the said county board of elections at said meeting shall order a new registration in the townships of Hollow, Bethel and Elizabethtown, and shall appoint registrars and poll holders in each of the said townships for the purpose of holding the election herein provided for, and shall furnish the said registrars with registration books, ballot boxes and such other necessary means for the holding of the said election. It shall be the duty of the registrar in each of the said townships of Hollow, Bethel and Elizabethtown, between the hours of nine o'clock A. M. and sunset of each day, Sundays excepted, for twenty days preceding the second Saturday before such election, to keep open said books for the registration of any electors residing within his township and entitled to registration. The said books shall be closed for registration at sunset on the second Saturday before the said election. On each Saturday during the period of the registration the registrar shall attend with his registration book at the polling place of his township for the registration of voters. Each registrar, before entering upon the discharge of his duties, shall take an oath before a justice of the peace or some other person authorized to administer oaths that he will support the Constitution of the United States and the Constitution of North Carolina.

Bond issue
authorized.

Denominations.

Interest.

Authentication.

New registration.

Appointment of
registrars and
judges.

Registration
books and ballot
boxes.
Registration.

Registrars to be
sworn.

Returns.	not inconsistent therewith, and that he will honestly and impartially discharge the duties of registrar and honestly and fairly conduct such election. Immediately after the election the registrars and judges of election shall make their returns in duplicate, and shall deliver one to the Clerk of the Superior Court of Bladen County and shall deposit the other, together with the registration books, with the Register of Deeds of Bladen County. Except as is herein otherwise provided, the said election shall be conducted according to the rules and regulations now provided by law for the election of members of the General Assembly. The Board of Commissioners of Bladen County shall canvass said election returns and declare the result thereof and record the same in the minutes of the board of commissioners.
Canvass of returns.	
Special tax for bonds and interest.	"Sec. 16 (b). The Board of County Commissioners of Bladen County shall, in order to provide for the payment of the bonds and interest thereon to be issued under the provisions of this act, compute and levy each year, at the regular time of levying taxes for State and county purposes, a sufficient tax upon all taxable property and polls within the territory embraced in said 'Hollow-Bethel-Elizabethtown Public Improvement District' as herein provided, to pay the interest on the bonds issued on account of the said 'Hollow-Bethel-Elizabethtown Public Improvement District,' and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: <i>Provided</i> , in levying the said taxes they shall observe the equation between property and polls prescribed by the Constitution of the State of North Carolina; that the taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officers of Bladen County to the Treasurer of Bladen County, and the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes and shall be used for the purposes for which they are levied, and for no other; that the sheriff or other officer in charge of the collecting of the said taxes, and the treasurer who shall hold and disburse the same, shall in respect thereto be liable officially as well as personally to all the requirements of law now or hereafter provided for the faithful collection and payment of other county taxes, and the bonds given by said officers for the collection and accounting of other county taxes shall include taxes levied hereunder.
Sinking fund. Constitutional equation.	
Collection of taxes.	
Specific appropriation.	
Liability of officers.	
Accounts to be opened.	"Sec. 16 (c). That in order to provide for the safe-keeping and investing of the funds arising from the taxes levied under this act the Treasurer of Bladen County shall open upon his books as county treasurer an account, to be designated as 'Hollow-Bethel-Elizabethtown Public Improvement District sinking fund,' and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said
Amounts credited to sinking fund.	

sinking-fund account and there kept separate and distinct from all other funds for the purpose of paying the principal of said bonds at maturity. The sinking fund shall be invested by the treasurer as may be directed by the Board of Commissioners of Bladen County: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof.

Investments of sinking fund.

Proviso: preferred investment.

"Sec. 16 (d). That after the said railroad provided for in this act is constructed and the property thereof is assessed for taxation by the lawful authorities, the Board of Commissioners of Bladen County are hereby authorized and directed to set apart from all other county taxes all the taxes paid each year as county taxes by the railroad company owning the said railroad on their property lying and being in the territory embraced in the district hereinbefore created, and the sums so paid each year on the said railroad property in said district shall be paid over to the County Treasurer of Bladen County by the sheriff or other officer collecting said taxes, and by the said treasurer kept separate and distinct from all other county taxes, and the same shall be expended by the Board of Commissioners of Bladen County exclusively in the payment of the interest which shall accrue upon the bonds issued under the terms of this act by said 'Hollow-Bethel-Elizabethtown Public Improvement District,' so far as the said taxes may be necessary to pay said interest, and after the payment of the interest, then toward the redemption of the principal of said bonds issued to aid in the construction of the said railroad; and if after paying the interest accruing upon said bonds there shall be a surplus of said taxes, the same shall be invested by the Treasurer of Bladen County, under the direction of the board of commissioners of the said county, as a sinking fund for the redemption of the principal of said bonds at maturity; the intent of this act being that the special taxes levied upon all property and polls in the said district, as herein provided, shall be supplemented by all general county taxes levied and collected upon the specific railroad property in aid of which bonds are to be issued as provided herein, and that the county taxes to be paid on the specific railroad property to be constructed under the terms of this act in the territory issuing said bonds in aid of said railroad shall not be used by the county as a part of the general county funds until the said territory shall have been reimbursed by said county taxes upon said railroad for the principal and interest of the bonds issued hereunder, said reimbursement to be expended after the payment of said bonds and interest in the improvement of the roads, bridges and public schools in said district hereby created: *Provided*, that if said district shall receive stock in said railroad for any bonds issued under the provisions of this act, said stock shall be sold within five years from the date of the issuing of said

Railroad taxes devoted to bonds.

Proviso: sale of stock.

bonds by the Board of Commissioners of Bladen County at public auction, for cash, at the courthouse door in Bladen County, after the advertisement of said sale as now required by law in sales of real estate under execution, and the proceeds from the sale of said stock shall thereupon be paid over to the Treasurer of Bladen County and shall thereby become a part of said 'Hollow-Bethel-Elizabethtown Public Improvement District sinking fund,' and the amount thereof shall be applied as a credit upon the bonded debt hereby created in exoneration, *pro tanto*, of the general county taxes upon the specific railroad property as hereinbefore provided.

Railroad tax after
payment of bonds.

"Sec. 16 (e). That whenever the bonded debt, principal and interest of the district created by this act which shall be constructed for the aid of the said railroad shall have been paid and the said district shall have been fully reimbursed out of the general county taxes levied and collected from the specific railroad property in said district, as hereinbefore provided, then this act shall be and become inoperative, and all such general county taxes levied upon and collected from said specific railroad property shall thereafter be paid into the general county fund of Bladen County and expended by the board of commissioners or other corporate authorities as other general county taxes.

Accounts to be
kept by county
treasurer.

"Sec. 16 (f). That in order to carry into effect the provisions of this act the county treasurer shall keep a true and perfect account of all of the said taxes collected, from what source collected, the amount of interest and principal received and disbursed, and all other information which may be necessary for the due compliance with the provisions of this act. The sheriff or other tax collector and the Treasurer of Bladen County, collecting or receiving or disbursing any of the said taxes shall be liable on their official bonds in the same manner as they are liable for other county taxes."

Liability of
officers.

Effect of act.

SEC. 2. The provisions of this act shall have the same force and effect as if the same had been included in the aforesaid chapter two hundred and thirty-three of the Private Laws of one thousand nine hundred and three, as ratified the fourth day of March, A. D. one thousand nine hundred and three.

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

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 299.

AN ACT TO AMEND PUBLIC LAWS 1895, CHAPTER 138, BY STRIKING OUT THE WORD "GRANVILLE," SO AS TO RESTORE GRANVILLE TO THE BILL OF COUNTIES IN WHICH THE SHERIFF IS REQUIRED TO SETTLE STATE TAXES BY THE SECOND MONDAY IN JANUARY IN EACH YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public Laws of one thousand eight hundred and ninety-five, chapter one hundred and thirty-eight, be amended by striking out the word "Granville," in line one, section one of said act. Law amended.

SEC. 2. That all special acts in which a time for sheriffs to settle taxes of Granville County at a time different from that prescribed in the general act for the settlement of taxes be repealed, as far as they may apply to Granville County. Special act repealed.

SEC. 3. That this act shall take effect on and after the first day of September, one thousand nine hundred and nine. When act effective.

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 300.

AN ACT TO AMEND SECTION 1506, CHAPTER 28, REVISAL OF 1905, RELATING TO CIVIL DOCKETS IN ROWAN SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six, chapter twenty-eight of the Revisal of one thousand nine hundred and five of North Carolina, be and the same is hereby amended by striking out that part of lines four and five, on page four hundred and fifty-three, the words "The civil dockets shall not be called in the May and November terms until the second week." Call of civil dockets.

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

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 301.

AN ACT TO AMEND CHAPTER 20, PUBLIC LAWS, SPECIAL SESSION 1908, RELATING TO THE TERMS OF SUPERIOR COURTS OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Terms for trial
of civil cases.

SECTION 1. That section three of chapter twenty, Public Laws, special session one thousand nine hundred and eight, be and the same is hereby amended by striking out all after the word "*Provided*," in said section, and inserting in lieu thereof the following: "That the April and July terms of said Superior Court of Onslow County shall be for the trial of civil cases only."

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

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 302.

AN ACT TO AMEND SECTION 1311 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Number of com-
missioners.

SECTION 1. That section one thousand three hundred and eleven of the Revisal of one thousand nine hundred and five be amended by inserting in line thirteen thereof, between the words "Johnston" and "Lenoir," the word "Jones."

Commissioners
named.

SEC. 2. That K. R. Hay, of White Oak Township, and L. O. Pollock, of Beaver Creek Township, be and they are hereby appointed commissioners of Jones County, to serve as such commissioners until the first Monday in December, one thousand nine hundred and ten.

Term of office.

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 303.

AN ACT TO PROTECT GAME IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Open season for
birds.

SECTION 1. That it shall be unlawful for any person to hunt, shoot, kill, capture or destroy any quail, partridge, pheasant, wild turkey, woodcock or dove in the county of Warren, State of North

Carolina, except between the first day of December and the first day of March in each and every year.

SEC. 2. That it shall be unlawful for any person to shoot, kill, destroy or hunt with dog any rabbits or squirrels in the county of Warren, State of North Carolina, except between the first day of September and the first day of March in each and every year.

Open season for rabbits and squirrels.

SEC. 3. That it shall be unlawful for any person or persons to destroy the nests or young of any of the game mentioned in sections one and two of this act.

Destruction of nests and young forbidden.

SEC. 4. That any nonresident of the State of North Carolina who desires to hunt in the county of Warren shall, in addition to the license prescribed in section one thousand eight hundred and seventy-two of the Revisal, pay a county license tax of ten dollars to the clerk of the Superior Court of said county, who shall issue to said nonresident a county license, which said license shall expire at the termination of the annual hunting season of said county.

County license tax on non-residents.

SEC. 5. That all county license taxes paid into the hands of the Clerk of the Superior Court of Warren County, as above provided, shall constitute a fund for the protection and preservation of the game of said county, which said fund shall be paid out by him as hereinafter directed, and the said clerk shall be entitled to five per cent of said fund as compensation for his services in said matter.

County license tax for protection of game.

Compensation of clerk.

SEC. 6. That M. M. Pendleton, B. G. Tharrington, S. W. Neal, R. A. Hawkins and Fred. Wiggins are hereby constituted a committee, to be known as the "Game Protection Committee of Warren County," which said committee is hereby empowered to use the game license tax fund collected by the Clerk of the Superior Court of Warren County for the employment of game wardens to enforce the provisions of this act, for the prosecution of all violators thereof and for such other purposes as they may deem necessary for the better protection and preservation of the game of the said county of Warren.

Game protection committee.

Powers of committee.

SEC. 7. That the said Game Protection Committee of Warren County are hereby empowered to fill all vacancies occurring in its body, and they shall receive no compensation for any service rendered under this act.

Vacancies.

SEC. 8. That the Clerk of the Superior Court of Warren County, North Carolina, is hereby authorized to pay out the aforesaid game license tax fund which may come into his hands from time to time upon a warrant or order duly signed by each member of the said Game Protection Committee of Warren County.

Payments from protection fund.

SEC. 9. That any person or persons violating either of sections one, two, three or four of this act shall be guilty of a misdemeanor.

Misdemeanors.

Application of act. SEC. 10. That this act shall apply to the county of Warren, State of North Carolina.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 304.

AN ACT TO IMPROVE THE PUBLIC ROADS OF MT. GILEAD TOWNSHIP, MONTGOMERY COUNTY, TO CREATE A ROAD COMMISSION FOR SAID TOWNSHIP AND WORK THE SAME BY TAXATION.

The General Assembly of North Carolina do enact:

Road commis- sioners.	SECTION 1. That O. C. Bruton, D. S. Hurley and Frank McAulay are created a road commission for Mt. Gilead Township, Mont-
Terms of office.	gomery County, and shall hold their said offices, respectively, for one, two and three years, in the order of their names as herein
Election of suc- cessors.	set out, and thereafter each of them or his successor shall be elected for a term of three years by the two whose terms do not
Meetings for election.	expire, the Board of County Commissioners of Montgomery County, the board of town commissioners of the town of Mt. Gilead and the justices of the peace of Mt. Gilead Township. They shall
Political affilia- tion. Public roads to include streets of Mt. Gilead.	meet on the first Monday in June previous to the expiration of any one term, or as soon thereafter as practicable, and elect one commissioner to succeed the one whose term is about to expire. That only two of said commissioners shall belong to any one political party: <i>Provided</i> , that public roads for the purpose of this act shall also include that portion of all roads or streets passing through the corporate limits of the town of Mt. Gilead.
Supervision and control of convict force.	SEC. 2. That the said road commission shall have full supervision and control of the convict force sentenced to work on the public roads of Montgomery County, and of such others as may be sentenced from other counties by any Judge of the Superior Court, criminal court or other courts of the State, and shall have the supervision of all public roads in Mt. Gilead Township and such other roads in other townships of the county as it shall take
Supervision of public roads.	charge of under this act, as herein provided. It shall be the duty of the road commission to look after the guarding and comfort of the convict force, have the convicts properly cared for, clothed
Guarding, comfort and care of convicts.	and fed, employ a physician to attend the convicts, and generally to provide for the efficiency of the convict force in working the public roads of said township or any other township where the said force may be worked.
Medical attention.	

SEC. 3. That all persons confined in the county jail of Montgomery County under any sentence of any court for a term of imprisonment for nonpayment of costs or fines or under any vagrant act, or any insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons sentenced in said county to the State's Prison for a term less than ten years shall be worked on the public roads of Montgomery County, Mt. Gilead Township; and upon application of said road commissioners of Mt. Gilead Township, Montgomery County, the Judge of the Superior Court or the judge of the criminal court, justices of the peace and the principal officers of any municipal or other inferior court, it shall be the duty of said judge, judges, justices of the peace or such other municipal officers to assign such persons convicted in their respective courts to such commissioners to be worked on the public roads of Mt. Gilead Township, Montgomery County.

Prisoners to be worked on roads.

Convicts to be sentenced to road work.

SEC. 4. That upon application of the chairman of the board of commissioners to the Judge of the Superior Courts presiding in adjoining counties or in other counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on the public roads, the said judges may sentence such able-bodied male persons, as described in the preceding section, from said adjoining counties in the same or adjoining judicial districts to work on the public roads of said township and county; and the cost of transporting, guarding and maintaining such persons as may be sent to Montgomery County, Mt. Gilead Township, shall be paid by the road commission out of the road funds of Mt. Gilead Township: *Provided*, that any and all persons 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 Montgomery County road fund.

Convicts from other counties.

Transportation, guarding and maintenance.

Proviso: return of convicts.

SEC. 5. That the Board of County Road Commissioners of Montgomery County may purchase tools, machinery, stock, material and appliances and whatever is needed by them necessary for the working of the convicts on the public roads of Mt. Gilead Township, Montgomery County, using not exceeding twenty-five hundred dollars from county funds. The county commissioners shall keep in repair all bridges and fords upon the public roads in said township, and may contract with such persons to keep in repair any parts of said fords or highways under their charge, as provided for under the State law; and when a bridge shall be necessary and the road commission of said township cannot conveniently build it out of the township funds, the county commissioners, being satisfied that such is the fact, shall contract for the building, keeping and repairing thereof, and the same shall be a charge upon the county: *Provided*, that this act shall not release the county commissioners from keeping all bridges in said town-

Purchase of tools, machinery, stock and material.

Repairs of bridges and fords.

Bridges to be built by county.

Proviso: responsibility of county commissioners.

Machinery county property.	ship in repair, as provided by law: that all machinery purchased by the county commissioners with general county funds shall be and remain the property of Montgomery County.
Charge and keeping of machinery, stock and material.	SEC. 6. That all road machinery, stock, wagons, material, appliances and tools and other things used by the superintendent of roads in said township shall be under the charge and keeping of said road commissioners, and the said road commissioners shall have power and authority to purchase such other tools, material, stock, machinery and other things necessary for the proper working of the public roads under their supervision by the convict force or hired labor, which shall be paid for out of the funds raised for working the public roads in said township; that all orders for the payment of any money directed to be paid out on account of the duties devolving upon the road commission shall be signed by their chairman and one member of their commission acting as secretary for said road commission, and shall be drawn on the Treasurer of Montgomery County, who shall charge said orders to the road fund raised by taxation in Mt. Gilead Township: <i>Provided</i> , that the road commission may order money paid out of the road funds of any other township in which it shall do any work under the provisions of this act. The cost of repairing and building bridges shall be paid out of the general fund of the county, as heretofore provided by the general law.
Power of purchase.	
Orders for payments from road funds.	
Proviso: pay for work in other townships.	
Repairing and building bridges.	
Road worked to township lines.	SEC. 7. That it shall be the duty of the said road commission to work the roads of said Mt. Gilead Township to the adjoining township lines towards and extended to the township lines; and when such roads have been worked to the township lines the road commission may extend the working of such public roads in any other township as long as the road fund of such other township will be sufficient to pay the total expenses of such work in such township: and when such work is being done the road fund of such township shall be subject to the orders for the payment of the expenses of the chain gang or free labor which may be drawn on it by the road commission; and when the road commission shall arrange to work the road of any other township no taxpayer shall be permitted to pay the road tax due in said township by working on the public roads.
Extension into other townships.	
Width and construction of roadbeds.	SEC. 8. That the said road commission, in constructing and working the public roads herein named, shall make the roadbed not less than twenty feet wide, one-half of which shall be macadized as soon as expedient; and in constructing the said roads the commission shall make them as straight as possible and graded; and in laying out, opening, constructing and working any public road in said county and township the road commission or any superintendent acting for them shall have a right to enter upon the lands of any person over whose lands the roads may pass, and may proceed to open said road and use such stone, earth, timber
Entry on land for material.	

or other material as may be necessary for the work, doing as little injury as possible to the owner. The said commission shall have authority to agree with the owner of said land as to the damages sustained by him: *Provided*, that if any person does not agree, he may, within three months after the change of road or new road has been opened or completed, apply to the clerk of the Superior Court, who shall appoint a jury of three disinterested freeholders from the township the road is in to assess the damages. The said jury, in determining said damages, shall take into consideration the benefits of said road to the property and the damages sustained by the property, and shall subtract one from the other, and the result shall be their verdict. The county shall pay all damages sustained by reason of opening of the public road in any township in Montgomery County out of the general funds of the county.

Agreement as to damages.

Proviso: assessment of damage if no agreement.

Damages paid by county.

SEC. 9. That the road commission may employ a superintendent of roads, who shall have the immediate and personal supervision of the forces in their employment, see that they are cared for properly and the work directed by the road commission is performed by the convict force in accordance with their directions, and generally to have charge of the tools, machinery and other property pertaining to the convict forces; that the superintendent shall report directly to the road commission any and all irregularities, failure to work by the convicts and the health of the convicts, and he may be discharged at any time by the road commission.

Superintendent of roads.

Reports of superintendent.

SEC. 10. Said road superintendent shall deposit with the board of road commissioners a good and lawful bond, to be approved by the board of road commissioners, in the sum of one thousand dollars, as a guarantee for his faithful and honest discharge of duties, which bond shall be filed with the clerk of the board.

Bond of superintendent.

SEC. 11. That for the purpose of providing a sufficient fund to pay the necessary expenses of the chain gang, convict force, hired labor or contract work, the board of county commissioners are required to levy, annually, as other taxes are levied, a tax of not exceeding forty cents on every one hundred dollars' worth of taxable property and two dollars on every taxable poll in Mt. Gilead Township, and to cause the same to be inserted in the tax list of Mt. Gilead Township for collection by the Sheriff of Montgomery County: that the funds arising from such special tax shall be used generally by the road commission to pay any and all expenses arising under this act for which the county of Montgomery may not be liable; that it shall be the duty of the road commission to elect one of their members secretary of the commission, and it shall be his duty to keep an accurate account of all moneys expended by said commission and the purposes for which it was expended, and to whom paid, and to annually publish a statement of

Road tax to be levied.

Rate.

Use of special tax.

Election and duty of secretary of commission.

Compensation.	such expenses in the same manner as expenses of the county are required to be published. The said road commissioners shall receive as compensation for their services while actually engaged in performing the duties required by this act the sum of one dollar per day each: <i>Provided</i> , that no commissioner shall be paid more than twelve dollars in any one year, except the secretary, who shall be paid not more than fifty dollars in any one year.
Proviso: limit.	
Inventory book.	SEC. 12. That it shall be the duty of the road commissioners to keep an inventory of all property, tools, machinery, stock and other property which it may receive from the county of Montgomery, and also tools, machinery, stock and supplies which it shall purchase, which said inventory shall be kept in a book, which shall be opened for inspection at all proper hours in the day by all persons interested as taxpayers.
Bridges and crossings to be kept up by corporations.	SEC. 13. That all railroads, turnpikes and other incorporated companies shall keep up at their own expense all bridges on or over public roads, and roads not public but used as neighborhood roads, and all crossings which they have severally made it necessary to build or make in establishing their several roads, and on their failure to do so, shall be guilty of a misdemeanor and fined at the discretion of the Superior Court, and shall forfeit and pay twenty-five dollars for each ten days he, it or they shall fail to perform the duties imposed by this act.
Failure a misdemeanor. Punishment. Forfeit.	
Posts and guide-boards.	SEC. 14. That the superintendent of public roads of Mt. Gilead Township and each overseer within his district or township in Montgomery County shall erect and keep up at the forks of the crossroads a post and guideboard or finger-board containing an inscription, in legible letters, directing the way and distance to the several towns or other public places situated on each road, respectively; that the post and guideboard or finger-board aforesaid shall be furnished the superintendent of Mt. Gilead Township by the board of road commissioners for said township.
Posts and guide-boards furnished by county.	
Penalty for injuring guide or finger-boards.	SEC. 15. That if any person shall willfully demolish, throw down or deface any guideboard or finger-board, said person, upon conviction thereof before a justice of the peace of said county, shall be fined in a sum not exceeding twenty-five dollars and costs, or imprisoned not exceeding twenty days. The money, when collected, shall be by the justice of the peace collecting the same paid over to the board of road commissioners herein provided for, and by them applied to the repair of the public roads in said county and township.
Fine to use of road fund.	
Tax to be submitted to voters.	SEC. 16. That the Board of County Commissioners of Montgomery County be and they are hereby authorized, empowered and directed to submit to the vote of the qualified voters of Mt. Gilead Township, in said county, on the first Tuesday in May, one thousand nine hundred and nine, A. D., the question, "Shall Mt. Gilead Township, in the county of Montgomery, State of North Carolina,
Date of election.	

work the roads of said township by taxation?" That the board of Notice of election commissioners shall, at least thirty days preceding said election, give public notice of said election and the purpose of said election in *The Montgomerian*, a newspaper published in Montgomery County.

SEC. 17. That said election shall be held and conducted in the Law governing election. manner prescribed for the election of members of the General Assembly of North Carolina: *Provided, however*, that the said board of commissioners shall appoint a registrar and two judges Proviso: appointment of election officers. of election and any other officers necessary for said election. The New registration. said board of commissioners shall order a new registration of voters of said township, and the registration books of said township shall be delivered by the register of deeds of said county to the registrar appointed under this act as soon after his appointment as practicable, and said registrar shall revise said registration books, so that they may show only the names of persons who are entitled to vote in said township. He shall register any duly qualified voters in said township who may have become entitled to register and vote since the last general election in said township: that the votes shall be counted at the close of the polls and returned to the said board of commissioners on the Monday next following said election, all of which shall be recorded in the minutes of said board of commissioners, and no other record or declaration of said election shall be necessary. Count and return of votes. Record.

SEC. 18. That in said election the ballots tendered and cast by Ballots. the qualified voters shall have written or printed on them "For Good Roads" or "Against Good Roads," and the said ballots may be of any size and in any type, on any sort of white paper: and any qualified voter who may favor the adoption of the provisions of this act shall vote "For Good Roads," and all qualified voters who oppose the adoption of this act shall vote "Against Good Roads": and in the event that a majority of qualified voters in said township vote "For Good Roads" at said election, the result shall be declared and recorded as aforesaid. Then and in that Effect of election. event the Board of Commissioners of Montgomery County shall declare the provisions of this act to be the law governing the working of the public roads of Mt. Gilead Township.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 305.

AN ACT TO PROVIDE A SYSTEM OF CONSTRUCTING AND KEEPING IN REPAIR THE PUBLIC ROADS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Road tax to be levied.

Election of road trustees.

Terms of office.

Successors.

Vacancies.

Meeting of trustees for organization.

Organization.

Quarterly meetings.

Trustees exempt from road duty.

Examination and reports on roads.

SECTION 1. That for the construction, maintenance and improvement of the public roads of Montgomery County the board of commissioners of said county shall levy an annual tax, as hereinafter provided, and the said board of commissioners shall, on the first Monday in April, one thousand nine hundred and nine, appoint a board of road trustees for each township in said county, which board shall be composed of three good and lawful men, residents of such township. The term of office of the first road trustee shall be for three years, the second for two years and the third for one year, and one successor of one trustee shall be appointed by said board of county commissioners for each of said townships in April, one thousand nine hundred and ten, and annually thereafter, for the term of three years; and that in event of a vacancy occurring in any of said boards of road trustees, by death, resignation, removal from the township or otherwise, the said board of commissioners shall appoint his successor to fill the unexpired term.

SEC. 2. That the board of road trustees for each of said townships shall meet on the first Saturday in May, one thousand nine hundred and nine, and annually thereafter, and organize by electing one of their number chairman and one secretary, and the secretary so elected shall forthwith report to the commissioners of said county, in writing, a list of officers thus elected, which report shall be kept on file in the register's office of said county; that the trustees, for the purpose of performing the duties herein required of them, shall meet quarterly, and oftener if in their judgment they shall deem it necessary for the proper transaction of the duties herein imposed, and their secretary shall keep a record of all their meetings and proceedings; that the said board of road trustees shall be exempt from the number of days' labor hereinafter required in this act upon the public roads of their townships.

SEC. 3. That it shall be the duty of the board of road trustees to examine into the condition of the public roads of their respective townships at least twice in each year, and make a report in duplicate on the condition of the public roads, and present one copy of said report to the board of commissioners of said county at their May and one copy at their November meeting, and in addition thereto the said board of road trustees shall forthwith file one copy of said report with the clerk of the Superior Court of said county for the use of the solicitor, with such instructions and

recommendations as they may deem proper; that the said board of road trustees shall have the right, upon petition of the citizens of their township, or without such petition if they shall deem it best for the interest of the traveling public, to lay out, alter or discontinue public roads that are wholly within their townships, or when such proposed new road, alteration or discontinuance is wholly within their township, with as little injury to the lands through which the same passes as may be consistent with the best interests of the traveling public; and the said board of road trustees, taking into consideration the advantages and disadvantages to the owner of the lands through which the road thus altered or laid out passes, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, and the said board of road trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the board of commissioners of said county, and, unless it shall appear to said commissioners that the damages are exorbitant and unjust, shall be allowed by them: that any person or persons aggrieved by the action of the board of road trustees in laying out, altering or discontinuing any public road, as aforesaid, as the amount of damages allowed for laying out any new road or altering an old road, as aforesaid, may, upon giving a bond, with sufficient justified surety, to be approved by said board of road trustees, in not less than the sum of one hundred dollars, and conditioned for the payment of all costs which may be adjudged against him or them by reason of such, appeal to the board of commissioners of said county: *Provided*, notice of appeal be given to the said board of road trustees by the party or parties aggrieved within ten days after the act complained of. That the said commissioners shall hear and determine such appeal, and if the same be against the appellant it shall be their duty to enter judgment against the appellant and his sureties for the costs of the appeal, with all the force and effect of a judgment in the Superior Court, and that such judgment for costs may be enforced in the same manner as a judgment of the Superior Court: *Provided*, that any party or parties aggrieved by the action of the commissioners in such matter may appeal to the Superior Court of said county in the manner set forth in the next succeeding section.

Establishment,
alteration and
discontinuance
of roads.

Assessment of
damages.

Certificate of
damages.

Appeals to county
commissioners.

Proviso: notice of
appeal.

Proceedings on
appeal.

Proviso: appeals
to Superior Court.

Establishment,
alteration or dis-
continuance of
road in two or
more townships.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done, subject to and as is provided in sections two thousand six hundred and eighty-four, two thousand six hundred and ninety and two thousand six hundred and eighty-five of chapter sixty-five, and section one thousand two hundred and sixty-eight, chapter twenty-two of Volume One of the Revisal

- Proviso: notice. of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the courthouse door for thirty days, and at some public place in each township through any part of which said road passes, for twenty days prior to the hearing of the petition, shall be sufficient for the notices required in said section two thousand six hundred and eighty-four: *Provided further*, that any
- Proviso: appeals to Superior Court. person or persons desiring to appeal to the Superior Court from the order of the board of commissioners shall give bond, with justified and approved surety, in not less than the sum of one hundred dollars, conditioned to pay all such costs as may be adjudged against him or them by reason of such appeal.
- Division of roads. SEC. 5. That all roads, when laid out for construction or amendment under the provisions of the preceding section, shall by reason of this act be deemed divided, so that the board of road trustees of each township shall have control of so much thereof as lies wholly within their township, and all public roads laid out or amended under sections three and four of this act, provided for the construction and maintenance of public roads: *Provided*, that no person shall be required to go out of his township to help in working or constructing any road, except when on the boundary line, as hereinafter provided.
- Proviso: hands not to work outside of township.
- Road districts. SEC. 6. That the board of road trustees of the several townships of said county shall, on the first day of May, one thousand nine hundred and nine, or within ten days thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations as they may deem proper, and cause a brief description thereof to be made on the township records, and also to furnish each supervisor with a description of his road district; that the board of road trustees of each township, at the meeting at which they divide their townships into road districts, as aforesaid, and annually thereafter, shall elect one supervisor for their township, who shall have charge of the several road districts therein; but if in their judgment they shall consider it best suited to the conditions in their township, they may elect more than one supervisor and assign to each the districts which he shall have charge of, under the provisions of this act; that the board of road trustees shall cause each supervisor to enter into a bond in not less than the sum of one hundred dollars, executed to the State of North Carolina in trust for said township, with sufficient surety, to be approved by the board of road trustees for such township; that the board of road trustees shall have general power and control over the public roads in their township, and shall confer with and may direct the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads; that in case of a vacancy in the office of supervisor, occurring by death, resignation, removal or otherwise, the board of township trustees shall appoint his successor for the unexpired term, and
- Election of supervisor.
- Bonds of supervisors.
- General powers and control of trustees.
- Vacancies in office of supervisor.

may at any time when they deem it for the best interest of the public roads of their township remove any supervisor from office and appoint his successor. Removal of supervisor.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall make and execute a bond, with approved surety, such as may be required of him, as aforesaid, by the board of road trustees; and shall at each quarterly meeting of said road trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, the character and extent of the work he has done on the same, the number of persons subject to road duty, as defined in section nine of this act, in each road district in his charge, and the number of days worked by each person; the name of each person who has paid cash in lieu of services, and the amount of cash paid by each; the full amount of receipts, and the amount and manner of all expenditures during said quarter; the number of days worked by him on the roads of his district, and the number of hands worked each day, and the number of judgments, fines and penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the board of road trustees may require of him appertaining to his duties or relating to the conditions of his road. Supervisors to qualify.
Bonds.
Quarterly reports.

SEC. 8. That it shall be the duty of each and every supervisor, subject to such direction as the road trustees may deem proper to make as to the manner of doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district; the same to keep in repair and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purposes the supervisors are hereby authorized to enter upon any lands, not encumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and the public good will permit; and the drains or ditches so made shall be conducted to the nearest water course, ditch or drain, and shall be kept open by the supervisors and shall not be obstructed by the owner or occupier of such land or any person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the board of road trustees and applied to the road fund of said township; and Supervisors to open roads.
Repairs and removal of obstructions.
Entry on lands for material.
Entry for drains or ditches.
Forfeit for obstructing drains or ditches.
Forfeits to use of road fund.

Injury to cultivated or improved lands a misdemeanor.

Persons subject to road duty.

Road duty.

Proviso: commutation.

Proviso: emergency work.

Proviso: day's work.

Supervisor to warn out hands.

Failure to attend and work a misdemeanor.

Punishment.

Proviso: failure to give warning not to work release.

Removal from district.

if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest water way, ditch or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.

SEC. 9. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to do and perform four days' labor on the public roads, under the directions of the supervisor of the road district in which he resides: *Provided*, that if any person, being warned as hereinafter provided, shall pay to the supervisor of his district the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor, and shall be applied by the road supervisor receiving the same to the improvement of the roads in that district: *Provided further*, that if from heavy rains, floods, washouts or any unusual injury to the roads the board of road trustees shall be of the opinion that the condition of the roads in their township demands it, they may increase the number of days' labor for each person subject to road duty to not more than two additional days: *Provided further*, that ten hours shall constitute a day's work, as required under this act.

SEC. 10. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being warned by such supervisor 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 an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each offense, and shall further be liable in all cases of non-attendance to the amount of labor required by the board of road trustees in such township, to be recovered by an action before any justice of the peace of the proper township, at the instance of the supervisor within whose district he may reside, and the money so collected shall be turned over to the treasurer of the county for the benefit of the roads of said township: *Provided*, that no person shall be released from the performance of the labor or its equivalent, as herein provided, by reason of the failure of any supervisor to order such person out, as herein specified.

SEC. 11. That if any person shall remove from any district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any way has paid the whole or any part thereof in lieu of such labor, and shall produce a cer-

tificate of the same from the supervisor of the proper district, such certificate shall be a complete release for the amount therein specified.

SEC. 12. That any person of road age, as defined in this act, who shall be summoned, as hereinafter provided, to perform any labor upon the public roads under the provisions of this act, shall by himself or by an able-bodied substitute appear at the place appointed by the supervisor, at an hour not earlier than seven o'clock in the forenoon, with the necessary tools and implements as the supervisor may direct, and the supervisor may arrange for the use of teams, wagons, carts, plows or scrapers to be employed and used on the road under his direction, upon terms and prices to be approved by the board of road trustees.

Road hands to bring tools.

Teams and implements.

SEC. 13. That for the purpose as provided in the preceding section of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he sleeps in any road district in said county.

Residence defined.

SEC. 14. That all the moneys that shall be in the hands of any supervisor at the time of the annual settlement with the board of road trustees shall be paid over to the secretary of the board of road trustees, who shall deliver same to treasurer of county and be placed to credit of said township road fund.

Moneys to be paid over.

SEC. 15. That the commissioners of said county are hereby authorized to and shall levy at the June session of their board, annually, for public road purposes, ten cents on the one hundred dollars valuation of property, and the board of commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes; that the road tax, when thus assessed, shall be collected by the sheriff or tax collector of said county, under the penalty and regulations laid down for the collection of other taxes for said county, and paid out as hereinafter provided: *Provided*, that said sheriff shall receive not exceeding three per cent for collecting and two per cent for disbursing: *Provided*, that upon petition of a majority of the registered voters of any township the said board of commissioners, in the manner above provided, may levy for such township so petitioning an amount not exceeding thirty cents on the one hundred dollars valuation of property, to be collected in the manner herein provided.

Road tax to be levied.

Rate.

Collection of tax.

Proviso: sheriff's commission.

Proviso: extra levy by townships on petition

SEC. 16. That the road tax levied under this act shall be made out and kept in a separate item on the tax list and appear in a separate item on the tax receipt, and the treasurer of the county shall keep the fund due each township in a separate account, and the same to be disbursed only upon orders signed by the chairman and secretary of the board of road trustees: *Provided*, that in no event shall the funds due one township be paid out for the benefit of any other township.

Road tax levied separately.

Separate accounts.

Proviso: township funds kept separate.

- Orders for paying out money. SEC. 17. That all moneys due the several townships shall be paid out only upon the written order signed by the chairman and secretary of the board of road trustees, who shall have absolute charge and control of the construction, maintenance and improvement of the public roads of their townships, and, in determining the division of the funds, shall be governed, not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material necessary to make substantial repairs and improvements, and thus make a just and equitable division of the funds to the needs of the road, and the said money shall be used, so far as practicable, in making the most permanent and lasting improvements upon said roads possible.
- Apportionment of funds. SEC. 18. That the Treasurer of Montgomery County shall disburse the funds coming into his hands under this act only upon orders signed by the chairman and secretary of said board of road trustees, stating to whom the same is payable, the amount and the purpose for which the same has been or is to be expended, and the said county treasurer's books shall at all times be open for the inspection of the board of road trustees.
- Orders for road funds.
- Pay of township supervisors. SEC. 19. That the board of road trustees for the several townships shall contract to pay the road supervisor for the days of actual service out of the township bonds a sum not exceeding one dollar and a half per day, deducting the commutation of days of labor required in such township: *Provided*, the board of road trustees of any township may at any time fix the minimum number of hands to be worked each day by the supervisor, and for such days as he works a less number of hands he shall not receive pay, unless there is in the judgment of the board of road trustees a sufficient reason for the same.
- Proviso: minimum of hands.
- Footbridges. SEC. 20. That the supervisors of public roads within said county are hereby authorized and directed to construct footbridges over streams of water in their districts, where the convenience of travelers on foot require same.
- Post and guideboards. SEC. 21. That each supervisor within his district or districts shall erect and maintain at the expense of the township at the forks or cross of public roads a post and guideboard containing an inscription in legible letters directing the way and distance to the town or towns or other public places situate on each road, respectively, and shall erect and maintain mileposts on said public road showing the distance from the county seat: *Provided*, showing the distance from the county seat shall not apply to roads not going in the direction of Troy. That any person who shall willfully demolish, throw down, alter or deface any such guidepost or milepost shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Mileposts.
- Proviso: exceptions.
- Injury to guide or mileposts a misdemeanor.
- Punishment.
- Implements and tools. SEC. 22. That the board of road trustees of the several townships in said county be and they are hereby authorized to furnish

plows, scrapers and other tools as they may deem proper for use upon the public roads of their townships, to be paid for out of any money of the township for road purposes not otherwise appropriated. The board of road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession, and he shall, on the first Monday in May, annually, return the same to the board of road trustees. The amount of which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the board of road trustees.

Receipts for implements.

Liability of supervisor.

Returns.

SEC. 23. That the right of way of the public roads in said county shall be twenty feet, and the supervisor, with the approval of the board of road trustees, shall determine how much of the right of way shall be used for road purposes.

Right of way.

SEC. 24. That each and every supervisor who shall cut and take away any timber, stone, clay, marl, sod or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district, as is provided in section eight of this act, or otherwise, shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward or the executor or administrator having the lands in charge from which timber, stone, gravel or other material was taken, as aforesaid, give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purposes for which the same were taken, and upon presentation the board of road trustees shall allow said certificate, if the same is just, but if not, shall allow such sum as they may deem fair and just, and any such sum shall be paid out of the fund of said township.

Certificates for material taken.

SEC. 25. That the county board of commissioners may purchase road machinery, tools, etc., and turn same over to the board of road trustees: that the said machinery, tools, etc., so purchased shall be and remain the property of the county of Montgomery, and the said commissioners may at any time direct the board of road trustees to return any of such machinery or deliver upon their order to other parties.

Road machinery and tools.

SEC. 26. That if the supervisor shall willfully and wantonly injure any crops or cultivated or improved land in the exercise of the duties devolving upon him in this act, or shall fail to conduct the drains and ditches mentioned in this act to the nearest water way, ditch or drain, and keep said ditch or drain in repair, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars.

Acts of supervisor declared misdemeanors.

Punishment.

Snaking logs a misdemeanor.

SEC. 27. Any person engaged in hauling or transporting saw logs or other timber on any public road who shall transport or cause to be transported by means of chain or grab hook, or other means, to be made to slide on the roadbed by a method known among lumbermen as "drying" or "snaking logs," shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, the board of road trustees may, under certain conditions satisfactory to them, permit such hauling or dragging of logs.

Punishment.

Proviso: road trustees may permit dragging.

Supervisors to remove obstructions.

SEC. 28. That at any time during the year when any public road shall be obstructed it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work upon the public roads of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their days of labor upon the public road, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor that may be due from such person or persons for the ensuing year.

Certificates for overtime.

Cartways.

SEC. 29. That sections two thousand six hundred and ninety-six, two thousand six hundred and ninety-four and one thousand two hundred and sixty-eight of the Revisal of one thousand nine hundred and five shall govern the establishing and laying out of cartways, except as to duties therein imposed upon the board of road supervisors of the township which shall devolve upon and be performed by the board of road trustees for the township: *Provided*, that such trustees, in case of appeal, shall require of appellant a bond sufficient to cover the cost of the appeal.

Proviso: bonds on appeal.

Obstructions by railroad companies.

SEC. 30. That as to unlawful obstructions of public roads and other injury thereto by railroad companies, sections seventy-two, seventy-three, seventy-four and seventy-five of chapter fifty of the Laws of one thousand nine hundred and one shall be and the same is hereby made a part of this act.

Acts of supervisor declared misdemeanors.

SEC. 31. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipts or certificates, shall be guilty of a misdemeanor.

Neglect of duty by any officer a misdemeanor.

SEC. 32. That any road trustee, supervisor, secretary or board of road trustees or other officer of said county of whom any act or duty is required in this act to be done or performed, and who shall refuse or neglect to do any such matter or thing as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

SEC. 33. That the commissioners of said county shall have super-
 vision and control of the bridges of said county, the location, con-
 struction, maintenance and repair of the same, and may let such
 contracts and do all such things in connection with the construc-
 tion, maintenance and repair of said bridges as are consistent with
 the best interest of said county of Montgomery and best subserve
 the interest of the traveling public: that for building and repair-
 ing bridges the county commissioners are authorized to use any
 special funds on hand in the county treasury, except school funds,
 and when this is exhausted they are authorized to use the general
 county fund.

Bridges.

Funds for build-
ing and repairing
bridges.

SEC. 34. That with the view of getting a proper grade, etc., in
 laying out or wending any public road, as provided in this act, the
 authorities herein authorized to lay out and locate the same may
 employ a competent surveyor, who shall be paid by the county for
 his services.

Surveyor.

SEC. 35. That where any road forms the boundary between any
 two townships or any township and another county, the said board
 of road trustees are authorized and empowered to make arrange-
 ments with the proper authorities of such other township or other
 county in regard to working and maintaining the same: *Provided*,
 any township in Montgomery County shall not bear exceeding half
 the expenses of working and maintaining any county-line road.

Roads forming
township bound-
ary.Proviso: county
line roads.

SEC. 36. That this act shall not apply to Mt. Gilead Township
 if said township adopts a system of working the public roads un-
 der and by virtue of a separate act of the General Assembly of
 North Carolina, session one thousand nine hundred and nine.

Application to
Mt. Gilead town-
ship.

SEC. 37. That all the clauses and provisions of this act shall ap-
 ply to Caswell County, and in as ample a manner as if "and Cas-
 well County" appeared in the body of the bill after each of the
 words "Montgomery County," and as if in all other places "count-
 ties" appeared in the body of the bill instead of county.

Application to
Caswell county.

SEC. 38. That all laws and clauses of laws in conflict with this
 act are hereby repealed.

SEC. 39. That this act shall be in force and effect from and after
 April first, one thousand nine hundred and nine.

When act
effective.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 306.

AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Bruns-
 wick County be and they are hereby authorized and empowered
 to levy a special tax of not exceeding ten cents on the one hun-
 dred and

Levy authorized.

Rate.

Years.	dred dollars' worth of taxable property upon all property subject to taxation in said county for the years one thousand nine hundred and nine and one thousand nine hundred and ten, for the purpose of supplementing the general county fund, and shall be used in the payment of the indebtedness and the current expenses of said county.
Purpose.	
Levy.	SEC. 2. That the said special tax shall be levied at the time and in the same manner that other county taxes are levied in said county, and the said tax shall be collected and accounted for by the sheriff or other collecting officer, and shall be accounted for by the treasurer, when paid to him, in the same manner and under the same penalties that other county taxes are collected, accounted for and held.
Collection.	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this the 25th day of February, A. D. 1909.

CHAPTER 307.

AN ACT FOR THE WORKING OF THE PUBLIC ROADS OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

County commissioners to control roads.	SECTION 1. That the Board of County Commissioners of Graham County, in their corporate capacity, shall have full control of the public roads of the said county, and for that purpose shall be known and styled as the "Board of Road Supervisors."
Meetings for road business.	SEC. 2. That the board of county commissioners shall hold two regular meetings in each year to perform the public-road business of the county, one meeting to be held at the regular May meeting of the said board and the other to be held at the regular September meeting of said board: <i>Provided</i> , that the board of county commissioners may perform road business at any of their regular meetings.
Proviso: road business at any regular meeting.	
Chairman of board. Register of deeds ex-officio clerk. Duty.	SEC. 3. That the chairman of the board of county commissioners shall be the chairman of the board of road supervisors, and the register of deeds shall be styled the "clerk <i>ex officio</i> " of said board, whose duty it shall be to keep the books and papers of the said board and keep a true record of all proceedings of said board in a book furnished for that purpose.
Classification of roads.	SEC. 4. That the said board of county commissioners shall, at their first regular meeting in May, one thousand nine hundred and nine, and annually thereafter, classify all the public roads as hereinafter provided, and lay out all public roads into convenient lots or divisions, and at the same time appoint overseers for the said
Division of roads. Appointment of overseers.	

several road divisions and allot the hands to each overseer, giving him the names of all the hands to be worked by him, together with the boundary to be worked: *Provided*, that for the purpose of this act all roads that shall have heretofore been laid out by the board of county commissioners or worked by their order shall be considered public roads and shall be classed as first, second and third class roads. First class roads shall be sixteen feet wide, second class roads shall be twelve feet wide and third class roads shall be ten feet wide, except in case of solid rock, in which case each class may be two feet narrower; all roads to be kept clear of stumps and runners and ditched on one side, so as to carry off the water, where the overseers think it necessary to do so.

Allotment of hands.
Provido: first, second and third-class roads.

First class roads.
 Second class roads.
 Third class roads.

Stumps, runners and ditches.

SEC. 5. That there shall be a road supervisor appointed for each township in said county, said road supervisor to be appointed by the board of county commissioners at their regular May meeting Term in each year, to serve for the term of one year.

Appointment of road supervisors.

SEC. 6. It shall be the duty of the said road supervisors to go over and inspect all the roads of the township at least twice a year and to make any and all other inspections of said roads ordered by the board of road supervisors; that said road supervisors shall have the power in their sections of the township to order any road overseer to work out his section of the road whenever he may deem it necessary: *Provided*, that no road subject shall be required to work a greater number of days in each year than is hereinafter set forth: *Provided further*, that any overseer failing to comply with said order, after having been duly notified for three days prior to said working, shall be guilty of a misdemeanor, and shall upon conviction be fined ten dollars. That the said road supervisor of any township shall, if upon inspection of the roads in his township, either general or ordered by the board of road supervisors, find the road out of repair, he shall order the overseer of the section so out of repair to work said road, giving him three days' notice of the time and place of the said working: *Provided*, that if the hands on said road shall have worked the time herein-after prescribed for a year's work in that year, then the road supervisor shall report such facts to the board of road supervisors at the next meeting of the board of county commissioners, and it shall be their duty in such case to instruct the said road supervisor making complaint to hire hands to repair said road which is in need of repair: *Provided*, that each hand so hired shall receive one dollar per day for the work so done. It shall be the duty of the road supervisors in each township to make a full and complete report of the condition of the roads examined by them, together with the time worked by each overseer and road subject, to the board of road supervisors four times each year, to-wit, the first Monday in February, the first Monday in May, the first Monday in September and the first Monday in December, which report shall

Inspection of roads.

Orders to road overseers.

Provido: limit of road duty.

Provido: failure of overseer a misdemeanor.
 Punishment.

Notice to overseer.

Provido: hands to be hired.

Provido: rate of payment.
 Quarterly reports.

Proviso: pay of supervisors.	be under oath: <i>Provided</i> , that the road supervisors in each township shall receive the sum of two dollars per day for the time actually engaged in said duties, which sum shall be paid from the public-road funds of the county.
Overseer to work hands. Road duty. Warning.	SEC. 7. Each overseer shall have power to work the hands allotted to him on his said section of road, and it shall be his duty to work them four days in each year. The overseer shall warn each hand two days before each working, by personal or written notice, stating the time, place, tool and the length of time to be worked: <i>Provided</i> , that the leaving of a written notice at the place of residence of any hand shall constitute a legal summons: <i>Provided further</i> , that if any hand shall furnish a good, able-bodied hand or pay the overseer the sum of one dollar for each day to be worked before the day to be worked, he shall be discharged from said work, and for the purposes of this act nine hours per day shall constitute a day's work: <i>Provided further</i> , that each road overseer shall receive the sum of one dollar as a compensation for the warning of the hands at each road working. That it shall be the duty of each overseer to make a written report, under oath, to the road supervisor of his township four times a year, to-wit, on the first Mondays in February, May, September and December, setting forth the amount of time worked by each hand, the different times for which the men have been warned to work, the name and amount of time which any person has failed to work, pay or furnish a hand, together with a statement of the condition of his section of road at the time of the report; that each overseer shall be governed by the instructions of the road supervisor of his township as to manner and place of work: <i>Provided</i> , that if the said supervisor fails to give instructions for same the overseer will use his own judgment and work when and where he deems it most needed.
Proviso: written notice. Proviso: substitute or commutation.	
Day's work. Proviso: pay of overseers.	
Quarterly reports of overseers.	
Overseer governed by instructions of supervisor. Proviso: when supervisor gives no instructions.	
Persons subject to road duty. Proviso: excuse for infirmity.	SEC. 8. That all persons between the ages of eighteen and forty-five years shall be required to work the public roads: <i>Provided</i> , that the county commissioners may excuse any person for infirmity.
Failure to work a misdemeanor.	SEC. 9. Any road subject failing or refusing to work on the public road or failing to furnish a hand to work or to pay the overseer the sum of one dollar for each day to be worked, before the day to be worked, shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of two dollars for each day that he was required and failed to work, or may be imprisoned for not longer than thirty days.
Punishment.	
Neglect of duty by supervisors a misdemeanor.	SEC. 10. That the board of road supervisors or any member thereof, or the road supervisors of the different townships, or any overseer, who shall fail to discharge the duties herein required of him or them, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars and not more than
Punishment.	

fifty dollars for each offense or imprisoned at the discretion of the court.

SEC. 11. That the board of road supervisors shall lay before the solicitor of the district a report of all persons failing to discharge the duties required of them by this act, and it shall be the duty of the solicitor to prosecute such person: *Provided*, that nothing herein shall be construed to give jurisdiction to the Superior Court which otherwise would have been within the jurisdiction of a justice of the peace.

Reports to solicitor.

Proviso: jurisdiction.

SEC. 12. That all overseers shall serve one year from the date of their appointment, and that no overseer shall be required to serve more than one year in succession: *Provided*, that any person may refuse to act as overseer upon the payment to the board of county commissioners the sum of ten dollars, which shall go to the general road fund of the county.

Term of overseer.

Proviso: commutation for overseer.

SEC. 13. That the sheriff and constables shall execute all orders of the board of road supervisors and shall be paid by the county for the same, as the sheriff is now paid.

Duty and pay of sheriffs and constables.

SEC. 14. That the board of county commissioners shall have power to establish, alter or discontinue any public roads in the county, as heretofore provided in The Code.

Establishment, alteration and discontinuance of roads.

SEC. 15. That the Board of County Commissioners of Graham County shall levy a road tax of not less than five nor more than twenty cents on the one hundred dollars' worth of property, nor less than fifteen nor more than sixty cents on the poll, always observing the constitutional equation between the property and the poll tax, which tax shall be collected as other taxes and paid to the county treasurer, to be used on the public roads of the county by order of the board of county commissioners in paying the road supervisors and hands hired to do extra work on the roads, building or repairing footbridges, building bridges and buying tools for the roads, in the discretion of the board of county commissioners: *Provided*, that all the material and tools furnished to any overseer under the provisions of this act shall be placed in the hands of said overseer for safe-keeping; and that any overseer who shall allow any tools or material so placed in his hands to be used for private purposes shall be guilty of a misdemeanor and dealt with as heretofore provided.

Road tax.

Rate.

Collection of tax.

Use of money.

Proviso: material and tools furnished overseer.

Use for private purposes a misdemeanor.

SEC. 16. That one hundred copies of this act shall be published and furnished to the Board of County Commissioners of Graham County.

Copies furnished county.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 308.

AN ACT TO AMEND CHAPTER 82 OF THE PUBLIC LAWS OF 1907, IN REFERENCE TO A BOND ISSUE FOR THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter eighty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed, and that a new section (seven), reading as follows, be enacted in place of the said section hereby repealed:

Special tax to be levied.

Rate.

Collection of tax.

Interest and sinking fund.

Proviso: surplus to school fund.

"Sec. 7. That in case the result of said election shall be in favor of issuing said bonds and a levy of the tax, as aforesaid, said Board of Commissioners of New Hanover County shall levy, annually, on the first Monday in June of each year, a special tax for said county of not more than fifteen cents on the one hundred dollars' worth of property and forty-five cents on each poll; the subject of taxation and levy of taxes to be the same as that on which the said board of county commissioners now or may hereafter be authorized to lay and levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund, applied first to the payment of the interest on said bonds, and then to the creation of a sinking fund, not exceeding two thousand dollars per annum, for the redemption of said bonds: *Provided*, that whenever the said bonds named herein shall have been issued, then all funds so collected, not required for said interest and sinking fund, shall be turned over to the county treasurer, to be applied by the Board of Education of New Hanover County for public-school purposes, as provided by law."

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 309.

AN ACT TO REGULATE THE LEVYING OF SPECIAL TAX IN PORTRUM'S SPECIAL-TAX DISTRICT, IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Rate of tax recommended by school committee.

SECTION 1. That the Board of County Commissioners of Rutherford County is hereby authorized and directed to levy annually on all property and polls in School District Number Two (2), known as "Portrum's District," in Rutherford County, only such rate of

special tax for school purposes in said special-tax district as may be recommended annually by the school committee of said district: *Provided*, said annual rate of taxation shall never be less than ten cents on the hundred dollars valuation of property and thirty cents on the poll, nor more than twenty cents on the hundred dollars valuation of property and sixty cents on the poll: *Provided further*, that upon failure of said school committee during any year to recommend any levy to said board of county commissioners, said board of county commissioners shall levy for school purposes on all property and polls in said district at least ten cents on the one hundred dollars valuation of property and thirty cents on the poll.

Proviso: limits.

Proviso: rate upon failure of committee to make recommendation.

SEC. 2. That all laws and clauses of laws in conflict with this act, so far as they relate to this district, be and the same are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 310.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND COUNTY TO ISSUE BONDS AND LEVY TAXES FOR THE CONSTRUCTION OF A BRIDGE OVER THE CAPE FEAR RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Cumberland County, if they deem it necessary, are authorized to issue and sell bonds to an amount not exceeding twenty-five thousand dollars (\$25,000), or so much thereof as they may deem necessary, for the purpose of providing funds for the construction of a steel, iron or other durable bridge over the Cape Fear River to take the place of the one recently burned, at or near the city of Fayetteville, or for the purpose of erecting other necessary iron, steel or other durable bridges in said county; and they may levy and cause to be collected a special tax, as hereinafter provided, in order to provide the necessary funds for the payment of such bonds and interest.

Bond issue authorized.

Amount.

Purpose of issue.

Special tax.

SEC. 2. Said bonds, when issued, shall be in denominations of one hundred to one thousand dollars, as said board of commissioners may determine; they shall be dated on the first day of April, one thousand nine hundred and nine, and run for the period of twenty (20) years from the date thereof; they shall be signed by the chairman and clerk of said board and duly attested by the official seal of the county; they shall be consecutively numbered,

Denominations.

Date.

Maturity.

Authentication.

- Interest. shall bear interest not exceeding five per cent per annum, and shall express on the face thereof the purpose for which they are issued and when and where payable. But said commissioners may, if they deem best, provide in said bonds that all or any part thereof, in lots of not less than five hundred dollars (\$500), may upon proper notice be paid in full, with accrued interest at the time of payment, at any time after ten years from the date of issue; the bonds to be called in and paid to be decided by lot, and the interest on all bonds so called shall cease after the date of payment fixed in such call.
- Bonds subject to call.
- Interest coupons. SEC. 3. Interest coupons shall be attached thereto, numbered to correspond to the bonds, payable on the first days of October and April of each year, and shall bear facsimile signatures of the chairman and clerk of the board.
- Sale of bonds. SEC. 4. The said commissioners may sell all of said bonds or any part thereof, from time to time, at public or private sale, with or without notice, as funds may be required for the purpose aforesaid, in the discretion of said board, but none of said bonds shall be sold for less than their face value, with the accrued interest at the time of said sale.
- Sale not below par.
- Record of bonds. SEC. 5. The clerk of the board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom issued and sold, and amount received from the sale of each.
- Sinking fund. SEC. 6. That said board of commissioners and their successors in office shall create and maintain a sufficient sinking fund for the redemption of said bonds at maturity, and the amount to be paid by them annually to the sinking-fund committee shall not be less than five per cent (5%) of the principal amount of said bonds outstanding, under the provisions of this act; and the said board of commissioners shall require the sinking-fund committee of said county to see that the provisions of this section are fully complied with, but this shall not relieve the said board of commissioners from their full duty of maintaining and creating said sinking fund.
- Amount.
- Special tax. SEC. 7. If the current revenues of said county are not sufficient to pay the interest on said bonds and to create and maintain a sufficient sinking fund, it shall be the duty of said board of commissioners to levy and cause to be collected, annually, in the usual course and by the usual methods, a special tax, observing at all times the constitutional requirements, on all subjects of taxation, in an amount sufficient to pay the interest on said bonds and to create and maintain the sinking fund herein provided for their final redemption at maturity.
- Investments of sinking fund. SEC. 8. That the sinking fund provided for in this act may be invested in such securities as the sinking-fund committee of Cumberland County may have the authority so to do, under the act passed at this session of the General Assembly, specifying the duties of said sinking-fund committee.

SEC. 9. That if the said board of commissioners shall fail or refuse to provide for the payment of said interest and for the creation and maintenance of said sinking fund, as hereinbefore provided, or if said board of commissioners or any other public officer of said Cumberland County shall apply the funds belonging to said sinking fund to any other purpose than provided for in this act, they or either of them shall be guilty of a misdemeanor, and upon conviction may be fined or imprisoned in the discretion of the court. Acts declared misdemeanors
Punishment.

SEC. 10. The sinking-fund committee of said county shall annually report to the said board of commissioners at their regular meeting in January of each and every year the condition of the sinking fund provided for in this act, how much has been paid to them during the year preceding, the nature and amount of all investments, and in said report make such suggestions and recommendations as to the sufficiency of the amount paid them annually as a sinking fund, and upon such other matters as they may deem proper, which said report shall be recorded and published as other official reports. Reports of sinking-fund committee.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 311.

AN ACT TO PROVIDE FOR THE PROTECTION OF FISH IN THE WATERS OF HAW RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. If any person or persons shall use any dynamite or other explosive agent for the purpose of killing fish in the waters of Haw River, he or they shall be guilty of a misdemeanor, and upon conviction of the same shall pay a fine not less than fifty dollars nor more than one hundred dollars. Use of dynamite or explosive a misdemeanor.
Punishment.

SEC. 2. All persons engaged in taking fish from the waters of said river by the use of dynamite or other explosives shall be equally guilty as the person who uses the said explosives. Accessories.

SEC. 3. That this act shall be applied to Rockingham County only. Application of act.

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 312.

AN ACT TO AMEND CHAPTER 20 OF THE PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty of the Public Laws of one thousand nine hundred and seven be amended as follows: Insert after the last word in section twenty-nine of said act the following:

Petitions for cart-ways, church roads and tramways.

"Sec. 29 (a). That the Board of Commissioners of Forsyth County are hereby given jurisdiction to hear all petitions for cart-ways, church roads and tramways, under the same rules, regulations and procedure as is now given to the township board of supervisors under the provisions of chapter sixty-five of the Revisal of one thousand nine hundred and five."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 313.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LEE COUNTY TO SPEND SURPLUS PROCEEDS OF CONSTRUCTION BONDS IN THE BUILDING OF BRIDGES.

The General Assembly of North Carolina do enact:

Use of surplus authorized.

SECTION 1. That it shall be lawful for the Board of County Commissioners of Lee County to use any part of the proceeds of the bonds authorized by chapter one hundred and thirty-one, Public Laws of one thousand nine hundred and eight, and amendments thereto, remaining after the construction of the courthouse and jail in said county has been paid for, in the payment of any debt contracted or to be contracted for the building of bridges across Deep River between the counties of Lee and Chatham.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 314.

AN ACT TO PROVIDE FOR THE WORKING AND IMPROVING THE PUBLIC ROADS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Former road laws repealed.
Exception.

SECTION 1. That all former road laws for the county of Ashe, and the amendments thereto, except chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and

ninety-nine, be and the same are hereby repealed, and said chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine is hereby adopted for the county of Ashe, except as herein provided.

SEC. 2. That seventy-five cents may be paid the overseer in lieu of each day's labor required to be performed on said roads; and the words "sixty-five cents" shall be stricken out and the words "seventy-five cents" inserted in lieu thereof wherever the same are written in said chapter two hundred and eighty-six of the Laws of one thousand eight hundred and ninety-nine.

SEC. 3. That section twenty-nine of the said chapter two hundred and eighty-six of Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed and the following substituted in lieu thereof: "Whenever any person desires to change a road from one part of his land to another part he shall file his petition with the board of road supervisors of the said township, setting forth the proposed change, who in their discretion may appoint two disinterested freeholders, who, together with the road overseer of said road, shall go and view said proposed change, and they may permit the said change to be made, upon such terms and conditions as to them seem best, and when said change is made upon a reasonable grade, and the terms and conditions are complied with, they shall make their report to the supervisors that they have either accepted or rejected said change."

SEC. 4. That justices of the peace shall not be exempt from working on public roads, but shall be exempt one day for each day said justice is engaged in electing road supervisors or other duties appertaining to the public roads of said county.

SEC. 5. That the overseer of any road in said county may, with the consent of the board of supervisors of the township, allot certain sections of his said road to any person subject to road duty on said road to be kept up, in lieu of the annual labor to be performed by said person: *Provided, however*, the same shall be worked under the supervision of said overseer, and may be let upon such terms and conditions as to said overseer and board of supervisors may seem best.

SEC. 6. That whenever any road overseer shall deem any fence too near the road over which he has supervision, he may apply to the board of road supervisors of said township, giving the name or names of the parties whose fence he desires moved, and the said board shall notify said parties and said overseer to appoint a time and place to hear said grievance, and may, upon such terms and conditions as to them may seem best, order said fence to be moved.

SEC. 7. That the Board of Commissioners of Ashe County may appoint some discreet and suitable person, who shall be styled "general road supervisor," whose duty it shall be to go over and inspect all the public roads in Ashe County twice each year and

report the condition of same, and also any road overseer who is not discharging his duty to the commissioners of said county, who shall lay said report before the solicitor of the district at the ensuing term of court of said county. Said commissioner shall receive one dollar per day for his services while actually engaged in the performance of said duties.

Printing and distribution of law.

SEC. 8. That the Board of Commissioners of Ashe County shall have two hundred copies of chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine, as amended by this act, printed and distributed among the road supervisors, overseers and justices of the peace of Ashe County.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 315.

AN ACT TO AMEND CHAPTER 275 OF THE LAWS OF 1905, FIXING SALARIES OF PUBLIC OFFICERS OF GUILFORD COUNTY, PROVIDING THAT THE SURPLUS FUNDS DERIVED UNDER SAID ACT SHALL BE PAID TO COUNTY COMMISSIONERS FOR PERMANENT ROAD BUILDING.

The General Assembly of North Carolina do enact:

Surplus to county treasurer

SECTION 1. That section nine of chapter two hundred and seventy-five of the Public Laws of one thousand nine hundred and five be amended by striking out, in lines six and seven thereof, the words "highway commission" and inserting in lieu thereof the words "county of Guilford," and by striking out the words "said commission." in line eight thereof, and inserting in lieu thereof the words "board of county commissioners."

County commissioners to use fund.

SEC. 2. This act shall be in force from and after June the first, one thousand nine hundred and ten.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 316.

AN ACT TO CREATE A PERMANENT SINKING-FUND COMMITTEE FOR CUMBERLAND COUNTY AND TO SPECIFY ITS DUTIES.

Preamble.

Whereas, by chapter two hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-three, the commissioners of Cumberland County were authorized to issue cer-

tain bonds for the purpose of building a courthouse and for other purposes: and whereas, by chapters one hundred and forty-nine Preamble. and two hundred and seventeen of the Public Laws of one thousand eight hundred and ninety-seven, the said commissioners were authorized to issue bonds to fund their debt then outstanding: and whereas, by chapter one hundred and seventy-two of the Pub- Preamble. lic Laws of one thousand nine hundred and five, the said commissioners were authorized to fund their bonds known as the "jail bonds"; and whereas, by chapter six hundred and seventy-six of Preamble. the Public Laws of one thousand nine hundred and seven, the said commissioners were authorized to issue certain "steel" or "iron-bridge" bonds, all of which said bonds are fully described in the said several acts; and whereas in said acts a sinking-fund commit- Preamble. tee was provided for, but their duties were not fully set out and described therein; and whereas said sinking-fund committee and Preamble. their predecessors, in the exercise of a sound discretion, have heretofore loaned the sinking funds upon bonds secured by first mortgages or deeds of trust on real estate, bearing interest at the rate of six per cent per annum: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That W. N. Tillinghast, H. McD. Robinson and John Elliot and their successors, as hereinafter provided, be and they ^{Sinking-fund committee.} are hereby created a sinking-fund committee of the county of Cumberland, and as such shall have full supervision and control of all ^{Supervision and control of funds.} funds heretofore and hereafter to be laid aside by the Board of Commissioners of Cumberland County, under the authority of the above-recited acts and under the authority of such acts as may hereafter be passed, and, as such sinking-fund committee, shall ^{Corporate rights.} have a right to sue and be sued and to contract and be contracted with.

SEC. 2. The persons named in the foregoing section shall serve ^{Terms of office.} as members of such committee, as follows: W. N. Tillinghast to serve for a period of two years, H. McD. Robinson for a period of four years, and John Elliot for a period of six years from January first, one thousand nine hundred and nine, and until their successors are elected and qualified, as hereinafter provided. And the chairman of the sinking-fund committee, who shall be *ex officio* its ^{Chairman-treasurer to give bond.} treasurer, shall, on or before the first Monday in May, one thousand nine hundred and nine, give bond in the sum of not less than five thousand dollars, or in such other sum as the board of commissioners may require, said bond to be of similar purport to those given by the county officers of Cumberland County, for the faithful performance of his duties as such chairman and treasurer of the sinking-fund committee, and said bond to be renewed annually and approved by the Board of Commissioners of Cumberland County. Said bond may be given in any surety company doing ^{Bond in surety company.}

Cost of bond.	business in the State of North Carolina, and the cost of the same shall be paid from the general fund of Cumberland County.
Election of successors to commissioners.	SEC. 3. The Board of Commissioners of Cumberland County shall, at their regular meeting in January, one thousand nine hundred and eleven, and biennially thereafter, elect a competent freeholder of Cumberland County to serve as a member of said sinking-fund committee for a period of six years: and in case of a vacancy on said sinking-fund committee, caused by death, resignation, permanent removal from the county or permanent incapacity to act, the said Board of Commissioners of Cumberland County shall elect a competent freeholder to fill out the unexpired term caused by such vacancy.
Vacancies.	
Compensation of committee.	SEC. 4. The said sinking-fund committee shall receive such compensation for their services as the Board of Commissioners of Cumberland County in their discretion deem just and proper, but in no case shall the compensation of the entire committee exceed three-fourths of one per cent of the funds under their control, and in no case shall said compensation be less than one hundred and twenty dollars per year for the entire committee, of which amount the chairman shall receive sixty dollars and the other two members thirty dollars each, to be paid from the general fund of the county.
Limit.	
Minimum.	
Chairman named.	SEC. 5. That until the first Monday in January, one thousand nine hundred and ten, W. N. Tillinghast shall be chairman of said sinking-fund committee, and after that time the said committee shall annually elect one of its members chairman, whose duty it shall be to keep all necessary accounts of funds, make all necessary collections, exercise careful oversight of all loans and make the statements required by law, which statements shall be signed by the entire committee.
Election of successor.	
Duty of chairman.	
Investments of sinking fund.	SEC. 6. That said sinking-fund committee shall exercise a sound discretion in investing all funds which may come into its hands, but shall not be authorized to lend any money on personal security, personal property or on property in any way encumbered, nor shall said committee be authorized to lend money on real estate for more than sixty per cent of its actual value, or on any real estate outside of Cumberland County, but this shall not prevent said committee from investing in government, State or Cumberland County bonds: <i>Provided</i> , that no loans shall be made unless the same shall be approved by all of the members of said committee.
Forbidden investments.	
Proviso: loans to have unanimous approval of committee.	
Loans heretofore made.	SEC. 7. That all loans and investments of the sinking fund which have heretofore been made by the sinking-fund committees of Cumberland County are hereby declared a valid exercise of their discretion.
Suits by committee.	SEC. 8. That in case default shall be made in the payment of any of the debts secured by mortgages or deeds of trust held by

said sinking-fund committee, or which may hereafter be taken by it, and it shall be necessary to foreclose the same, either by public sale, under the terms of said instruments, or by foreclosure proceedings in the Superior Court of Cumberland County, such foreclosure or suit shall be in the name of the chairman of such committee, as trustee for the sinking funds, and all deeds of foreclosure under the powers of said instruments shall be executed by said chairman, as trustee, and such instruments shall have the same force and effect as if they had been executed by all of the members of the sinking-fund committee or the Board of Commissioners of Cumberland County.

Deeds of foreclosure.

SEC. 9. That all funds paid to said committee shall be deposited in one or more of the banks doing business in the city of Fayetteville, to the credit of the sinking-fund committee, and paid out only by checks signed by the chairman and countersigned by at least one other member of said committee.

Deposits of funds.

SEC. 10. That all persons who shall borrow funds from said sinking-fund committee shall pay all reasonable expenses connected with the execution of the mortgage or deed of trust securing such loan and the probate and recording of such mortgage or deed of trust, together with six per cent interest per annum on such loan.

Expenses of loans.

SEC. 11. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 12. This act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 317.

AN ACT TO FIX THE FEES OF THE SHERIFF OF ROBESON COUNTY FOR SUMMONING A SPECIAL VENIRE.

The General Assembly of North Carolina do enact:

SECTION 1. For each person summoned on a special venire the sheriff shall receive the sum of thirty cents: *Provided*, this act shall not apply to a special venire ordered to be summoned from the bystanders, in which case the sheriff shall receive the sum of ten cents for each person so summoned: *Provided further*, that this act shall apply only to the county of Robeson.

Fee of sheriff.

Proviso: fee for summoning bystanders.

Proviso: application of act.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 318.

AN ACT TO AMEND CHAPTER 81 OF THE REVISAL OF 1905,
RELATIVE TO BARBED-WIRE FENCES IN CATAWBA,
RICHMOND, RUTHERFORD AND OTHER COUNTIES.*The General Assembly of North Carolina do enact:*Tops of wire
fences.

SECTION 1. That chapter eighty-one, section three thousand seven hundred and sixty-nine, Revisal of one thousand nine hundred and five, be amended by inserting after the word "railing," in line three, the following words: "or smooth wire or wire board: *Provided*, that the provisions of this act shall not apply to the county of Rutherford."

Proviso: Ruther-
ford county.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 319.

AN ACT FOR THE RELIEF OF SURVEYORS IN SCOTLAND
AND ANSON COUNTIES.*The General Assembly of North Carolina do enact:*Per diem as
witnesses.

SECTION 1. That from and after the ratification of this act any surveyor testifying in any civil case in the Superior Courts of Scotland and Anson counties shall be entitled to and receive not less than two dollars nor more than four dollars per diem, in the discretion of the judge presiding.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 320.

AN ACT TO EXTEND THE TIME TO ALLOW THE CAMDEN
FERRY COMPANY TO ERECT A DRAWBRIDGE ON PAS-
QUOTANK RIVER.*The General Assembly of North Carolina do enact:*

Time extended.

SECTION 1. That the Camden Ferry Company be and are hereby allowed two years' extension of time in which to erect a drawbridge on Pasquotank River—that is to say, a period of seven years, in-

stead of five years, as set out in chapter two hundred and seventy, section two, Private Laws of the year one thousand nine hundred and five.

SEC. 2. To amend section four of chapter two hundred and seventy, Private Laws of one thousand nine hundred and five, as follows: "That the said Camden Ferry Company may have the right to have one opening in said drawbridge instead of two openings, as provided in said section." One opening in bridge.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 321.

AN ACT RELATIVE TO COTTON WEAIGHERS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of office of all public cotton weighers Terms of office, and cotton-seed weighers in Franklin County shall begin on the first Monday in December of every other year, beginning in one thousand nine hundred and nine and extending for two years from that date.

SEC. 2. That the terms of office of all such cotton weighers and cotton-seed weighers now serving, shall extend to and end with the first Monday in December, one thousand nine hundred and nine, regardless of the expiration of same under present laws. Present terms extended

SEC. 3. That hereafter all public cotton weighers and cotton-seed weighers shall be elected by the county board of commissioners on the first Monday in November, one thousand nine hundred and nine, and every two years thereafter. Election.

SEC. 4. That the county board of commissioners are hereby granted the right and power to provide such cotton platform or yard in the town of Louisburg for the use of the public cotton weigher as the said county commissioners may deem suitable and advisable. Cotton platform.

SEC. 5. That this act shall apply only to Franklin County. Application of act.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 322.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHATHAM COUNTY TO DIVIDE SAID COUNTY INTO TOWNSHIPS.

The General Assembly of North Carolina do enact:

Power to divide county into townships.

SECTION 1. That the Board of Commissioners of Chatham County be and they are hereby authorized, at their March meeting, one thousand nine hundred and nine, and without the notice now required by statute, to divide the said county of Chatham into new townships, and to that end they may adopt or abolish any of the present townships of the said county or change any existing lines of the said present townships and establish new lines, so as to change the boundaries of any such townships as they may deem best, and to name such new townships as they may create.

Change of existing lines. Establishment of new lines.

Legal townships.

SEC. 2. That such townships so established shall immediately become the legal townships of the said county, having and possessing all the functions, powers, rights and duties of the townships as now exist.

Justices to remain in office.

SEC. 3. That any justice of the peace whose term of office shall not have expired when the townships are re-established according to this act, that may be placed in a different township by such re-establishing, shall be and remain such justice of the peace in such new township during the remainder of his term; and that if any constable elected at the last election shall by such re-establishing be placed in a different township or his township abolished, then his office shall cease and determine; and if any township by such re-establishment shall have no constable the board of commissioners shall appoint one to fill such vacancy until his successor is elected at the next general election.

Offices of constables vacated.

Election of successors.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 323.

AN ACT TO IMPROVE THE DRAINAGE OF HAW RIVER AND TROUBLESOME CREEK AND THEIR TRIBUTARIES, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Landowners to clean out streams.

SECTION 1. That all persons owning land adjoining Haw River and Troublesome Creek and their tributaries, in Rockingham County, or through which said river and creek and their tributaries

flow, are hereby required to clean out said streams during the months of July, August, September or October of each and every year, by removing from said streams, where the same adjoin their lands, all logs, brush or anything of the kind which obstructs the flow of water in said streams.

SEC. 2. That it shall be unlawful for any person owning or operating a sawmill to dump or waste sawdust into Haw River or Troublesome Creek or their tributaries, in Rockingham County. Dumping sawdust forbidden.

SEC. 3. That it shall be unlawful for any person to cut or otherwise cause trees, logs, brush or other obstructions to be thrown into Haw River or Troublesome Creek, in Rockingham County. Obstruction forbidden.

SEC. 4. That all persons who violate or fail to carry out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days for each and every offense. Acts declared misdemeanors. Punishment.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 324.

AN ACT TO AMEND CHAPTER 853 OF THE PUBLIC LAWS OF 1907, RELATIVE TO ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend by striking out section five and inserting the following: "The justices of the peace of Pamlico County shall meet at some place in their township on the first Saturday in April and organize by electing one of their number chairman and one secretary, and they shall be known as the "board of township road commissioners," and they shall have the control of the road work in their townships. They shall see that the overseers discharge their duty and that the road money is properly spent on the roads. They may, if they think best, divide the road into sections among themselves, so that each of them shall have their road section to overlook. They shall make a sworn report on the condition of their roads to the board of county commissioners, through their chairman, on the first Monday in May and October in each year. The commissioners named in this section shall hold their first meeting on the first Saturday in April and October, in the year one thousand nine hundred and nine, and semiannually thereafter. Organization of justices as township road commissioners. Power to divide road into sections. Reports on roads. Meetings.

SEC. 2. The Board of County Commissioners of Pamlico County Bridge fund. and the chairman of the board of township road commissioners

Apportionment to towns.	shall on the first Monday in May, one thousand nine hundred and nine, and annually thereafter, set aside twelve hundred dollars to be used to build bridges and repair the same, and pay to the incorporated towns one-fourth of the tax paid by the said towns for roads to be used on the streets of said towns. They shall then apportion the balance of the road money paid by each township to the road sections of said townships, the said money to be used to ditch and drain said roads.
Apportionment for ditches and drains.	
Failure to discharge duty a misdemeanor.	SEC. 3. Any road commissioner or road overseer who shall fail to discharge his duty as prescribed by this chapter shall be guilty of a misdemeanor, and upon conviction in open court of the same shall be fined not more than ten dollars nor less than two dollars for each offense.
Punishment.	
Commissioners exempt from road work.	SEC. 4. The road commissioners shall be exempt from working the roads, but shall give four days as road commissioners in looking after the roads of their townships, free of charge; any other time they may use in looking after their road section the county commissioners shall pay them such compensation as they shall see fit to pay out of the township road money.
Compensation.	
Commutation for road work.	SEC. 5. Amend section four, Laws of one thousand nine hundred and seven, line four, by striking out "one dollar" and inserting "seventy-five cents." Amend section six, line two, by striking out "one dollar" and inserting "seventy-five cents." Amend section thirteen by striking out "half," in line eighteen, and inserting "fourth." Strike out "half," in line twenty-two, and insert "fourth." Add the following to section thirteen: "The Board of County Commissioners of Pamlico County shall not be in anyway responsible for the keeping in repair the streets and bridges of the incorporated towns that have received road money provided for in this chapter."
Allowance for work in towns.	
Responsibility of county commissioners.	
Contracts for road work.	SEC. 6. That the board of county commissioners and the chairman of the township road commissioners may contract the road-section money or have the money worked out under the supervision of the road overseer and the township commissioners. The township commissioners shall make a report to the board of county commissioners of the amount of work done and the class of work done, and if they shall be satisfied that the contract has been complied with, they shall order the money paid to the contractor or the overseer that had this work done.
Reports on contract work.	SEC. 7. That all laws in conflict with this act are hereby repealed.
	SEC. 8. That this act shall be in force from and after its ratification.
	Ratified this the 26th day of February, A. D. 1909.

CHAPTER 325.

AN ACT PROVIDING FOR THE BETTER CONSTRUCTION
AND KEEPING IN REPAIR OF THE PUBLIC ROADS OF
WAYNE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Wayne County are hereby given the power at any time to locate, relocate or change the line of any road, when in the judgment of said board such location, relocation or change will prove advantageous to public travel, and said commissioners may in their discretion employ a competent engineer or surveyor to aid in such work.

Power to locate or change roads.

SEC. 2. For the purpose of improving the public roads of the county, the county commissioners or the superintendent of the county convict force, under the direction of the board of commissioners of said county, shall have the authority to enter upon any uncultivated land near to or adjoining the public road, or any improved or cultivated land, when unencumbered by cultivated crops; to cut or carry away any timber, except trees left for ornament or shade; to dig or cause to be dug and carried away any stone, gravel, earth or sand which may be necessary to improve or repair said roads, and to enter upon any lands adjoining or lying near the road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day such obstruction remains.

Entry on land for material.

Entry for drains or ditches.

Obstructing ditches a misdemeanor.
Punishment.

SEC. 3. Any person considering himself damaged by the removal of earth or the cutting of timber, or by the location of any new road or the relocation of any road on his lands, as provided for in the preceding sections, may prefer his claim before the county commissioners, and, when allowed by said board, such claim or any part thereof which may be allowed shall be paid out of the general funds of the county: *Provided*, that such claim for damages shall be made within three months after the completion of said road; and may petition the board of county commissioners for a jury to assess the damages, who shall order a jury of three disinterested freeholders to be summoned by the sheriff or other lawful officer, who shall give the landowner due notice of the time and place when and where the said jury will meet to assess damages, if any, over the benefits of the owner of the land; and any landowner or the board of commissioners may appeal to the Superior Court from the findings of the jury.

Claims for damages.

Procedure for assessment of damages.

Right of appeal.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 326.

AN ACT TO BETTER PROTECT THE PUBLIC ROADS IN
WASHINGTON COUNTY.*The General Assembly of North Carolina do enact:*Obstruction of
ditches, runways
or streams for-
bidden.

SECTION 1. That it shall be unlawful for any person or persons to obstruct the flow of water in any ditch, runway or stream of any of the public roads in Washington County by placing obstructions of any kind in the same, unless such person or persons shall remove such obstructions from such ditch, runway or stream, and put such ditch, runway or stream in as good condition as the said ditch, runway or stream was before the said obstructions were so placed.

Leaving obstruc-
tion in ditches,
runways or
streams forbidden.

SEC. 2. That it shall be unlawful for any person or persons engaged in getting logs, lumber or hauling across any ditch, runway or stream in Washington County to leave any logs, brush or any obstruction in any ditch, runway or stream of any public road which might serve to stop or retard the flow of water in the same.

Violation of act
a misdemeanor.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than thirty dollars, or imprisoned not more than thirty days.

Punishment.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 327.

AN ACT TO PROHIBIT THE SALE OR OTHER DISPOSI-
TION, FOR PROFIT, OF WINE, CIDER OR ANY INTOXI-
CANT WITHIN FOUR MILES OF ELKTON SCHOOLHOUSE,
IN DISTRICT No. 4, FOR THE WHITE RACE, IN WHITE'S
CREEK TOWNSHIP, IN BLADEN COUNTY.*The General Assembly of North Carolina do enact:*

Sales prohibited.

SECTION 1. That it shall be unlawful for any person, individual or firm to dispose of to any other person, for profit, any wine, cider or other intoxicating liquor within four (4) miles of Elkton Schoolhouse, in District Number Four.

Misdemeanor.

SEC. 2. That any person, individual or firm who shall violate the provisions of this act shall be guilty of a misdemeanor and shall pay a penalty of not less than ten nor more than fifty dollars for each and every separate offense, one-half of which shall be paid

Penalty.

to the party informing and furnishing sufficient evidence to convict, the other half to be paid into the county treasury and subject to the Board of Education of Bladen County, or work on the public roads not less than ten nor more than thirty days.

SEC. 3. This act shall go into effect immediately after ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 328.

AN ACT TO ENCOURAGE HIGH-SCHOOL INSTRUCTION FOR THE COUNTIES OF GRAHAM AND CLAY.

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the county boards of education of Graham and Clay counties, or either of them, that it will be impracticable to establish a public high school in either or both of said counties during that year either from lack of available funds belonging to any school district in said counties or in the hands of the county board of education, wherewith to supplement the State funds heretofore provided for the establishment of public high schools in said counties, then and in that case it shall be lawful for the county boards of education of Graham and Clay counties, or either of them, to contract with the board of trustees in charge of the public high school now established at Andrews, in Cherokee County, for the establishment of a central high school at Andrews, in which all high-school students from Clay and Graham counties, or either of them, as the case may be, shall be allowed to attend free of tuition, and this privilege shall also be extended to all persons preparing to teach in either of said counties.

SEC. 2. Whenever such contract as aforesaid shall have been entered into and shall have been approved by the State Superintendent of Public Instruction, the full amount of State funds to which either or both of said counties, Clay or Graham, would be entitled, in case they had established public high schools in their respective counties, shall be paid over to the Treasurer of the Andrews School District: *Provided*, that the Board of Trustees of Andrews School District shall set aside out of its own funds an amount equal to that coming from either or both of said counties, or so much thereof as may be necessary to provide instruction in the public high-school grades to all students or those preparing to teach from either Clay, Graham or Cherokee counties.

SEC. 3. The Board of Trustees of Andrews School District are hereby authorized, whenever they have sufficient funds on hand,

Division of
penalty.

Central high
school.

Persons preparing
to teach.

Apportionment
from State fund.

Proviso: fund
from Andrews
district.

Normal depart-
ment.

after providing for elementary instruction in all their schools and for instruction in the Andrews High School, as aforesaid, to establish a normal department in the Andrews High School. They shall also have authority to employ one or more trained normal teachers, whose duty it shall be to give such instruction in said normal department in the art and practice of teaching and other subjects as may be prescribed by the State Superintendent of Public Instruction.

Continuance of high school and contracts.

SEC. 4. The Central High School at Andrews, herein authorized, and all contracts in reference thereto, shall continue in existence and effect until such time as there shall be established and put into operation at least one public high school in either of said counties of Clay or Graham.

Application of general law.

SEC. 5. The Central High School at Andrews, herein authorized, shall be subject to all the provisions of the law in regard to the establishment and operation of public high schools, except as such laws may be modified herein.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 329.

AN ACT TO RELIEVE THE SURETY OF WILLIAM H. WORTH, LATE STATE TREASURER, FROM ANY FURTHER LIABILITY ON ACCOUNT OF HIS BONDS.

Preamble.

Whereas, from January, one thousand eight hundred and ninety-five, until January, one thousand nine hundred and one, William H. Worth was Treasurer of this State and had in his employ one W. H. Martin as institutional clerk; and whereas the said W. H. Martin embezzled a considerable sum of money belonging to said institutions, which was not discovered until after the said William H. Worth had ceased to be State Treasurer; and whereas, upon discovery of said defalcation, and not knowing the amount of the same, and in order that he might protect his bondsmen, the said William H. Worth and wife conveyed to H. W. Jackson, as trustee, all of their property, both real and personal, without reservation, to be sold, if necessary, to protect his said bondsmen; and whereas, after an investigation, the amount of the said defalcation was ascertained and the sum paid in full to the State by the said William H. Worth and his bondsmen; and whereas the said William H. Worth has fully reimbursed his bondsmen out of his own private means, his trustee selling, with his consent, a portion of his property; and whereas, a portion of the property conveyed by the said William H. Worth to the said H. W. Jackson, trustee, re-

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

mained unsold at the time of the settlement between the said William H. Worth and his bondsmen and the State, and the same was reconveyed to the said William H. Worth by the said H. W. Jackson, trustee, with the reservation that if further liability was imposed upon the surety they should have recourse to said property; and whereas more than seven years have now elapsed since the settlement of the said William H. Worth and his bondsmen and the State, and no further liability has been imposed and no further default discovered, and there appears to be no reasonable possibility that any further liability can be imposed; and whereas the reservation in the deed from the said H. W. Jackson, trustee, to the said William H. Worth, reconveying the property, is a cloud upon the title of the said William H. Worth and effectually prevents a sale of the same by him, which he desires to make; and whereas there is no reason why the State should longer hold the bondsmen of the said William H. Worth bound for matters settled more than seven years ago: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the sureties on the official bond of William H. Worth, late Treasurer of this State, be and they are hereby relieved, absolved and exonerated from any further liability to the State on account of their suretyship upon said bonds.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 330.

AN ACT TO PAY DEPUTY SHERIFFS FOR THE COLLECTION OF TAXES IN INCORPORATED TOWNS AND CITIES OF GUILFORD COUNTY OTHER THAN THE COUNTY SEAT.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the annual salary of the Sheriff of Guilford County the board of commissioners are hereby granted the power to pay such deputy sheriff as shall be selected by the sheriff to collect taxes in said county in townships in which incorporated towns or cities other than the county seat are situated a fee of ten cents for each tax receipt given to a taxpayer for the collection of taxes.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 331.

AN ACT TO PREVENT THE OBSTRUCTION OF NATMOORE CREEK, IN FRENCH'S CREEK TOWNSHIP, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to place
obstructions in
creek.

SECTION 1. That it shall be unlawful for any person or persons to place any obstructions of any kind in Natmoore Creek, in French's Creek Township, in Bladen County.

Violation of act
a misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall be punished by being required to pay a penalty of not less than ten nor more than fifty dollars, one-half of which shall be paid to the party furnishing sufficient evidence to convict and the other half to be paid to the Treasurer of Bladen County, subject to the order of the board of education of said county, or be imprisoned not less than ten nor more than thirty days.

Penalty.

Division of
penalty.

Imprisonment.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 332.

AN ACT AUTHORIZING THE COMMISSIONERS OF RICHMOND COUNTY TO EMPLOY AN AUDITOR TO EXAMINE THE BOOKS, ACCOUNTS, RECEIPTS, ETC., OF THE SEVERAL COUNTY OFFICERS OF SAID COUNTY, OR ANY OF THEM, WHENEVER DEEMED ADVISABLE.

The General Assembly of North Carolina do enact:

Employment
authorized.

SECTION 1. That the Board of Commissioners of Richmond County be and they are hereby authorized and empowered to employ a duly licensed auditor or expert accountant to examine and audit the books, accounts, receipts and disbursements of the several county officers, or any of them, at such time or times as they may deem such examination advisable, and pay the said auditor or accountant reasonable compensation for his services.

Pay.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 333.

AN ACT TO EXEMPT CERTAIN PERSONS FROM
JURY SERVICE.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand nine hundred and eighty of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "company," in line seven of said section, the words "and all United States railway postal clerks and rural free delivery mail carriers, locomotive engineers and railroad conductors in active service."

Additional exemptions.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 334.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MACON COUNTY TO DONATE A CERTAIN PLAT OF GROUND TO ESTABLISH A CONFEDERATE MONUMENT THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Macon County are hereby authorized to donate for a Confederate monument a plat of ground on the courthouse square in the town of Franklin, North Carolina, as a site for said monument, at such point and of such dimensions as may be agreed upon by said board and the monument association.

Donation authorized.

Location and dimensions.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 335.

AN ACT TO FACILITATE THE REGISTRATION OF
CONTRACTS MADE BY CORPORATIONS.*The General Assembly of North Carolina do enact:*

SECTION. 1. That all contracts, in writing, for the purchase of personal property by corporations, providing for a lien on such property or the retention of the title thereto by the vendor as a

Sufficient execution.

security for the purchase price, or any part thereof, shall be sufficiently executed if they shall be signed in the name of the corporation by the president, secretary or treasurer of such corporation in his official capacity, and may be acknowledged or proven and ordered to registration as is provided by law for the execution, probate and registration of deeds by natural persons.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 336.

AN ACT TO AMEND CHAPTER 173, PUBLIC LAWS OF 1905,
TO REGULATE THE HUNTING OF PHEASANTS IN RAN-
DOLPH COUNTY.

The General Assembly of North Carolina do enact:

Time extended.

SECTION 1. That chapter one hundred and seventy-three, Public Laws of one thousand nine hundred and five, be amended by striking out the word "five," in line four of section one, and inserting in lieu thereof the word "ten," and by striking out the word "ten," in line five of section two of said act, and inserting in lieu thereof the word "fifteen."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 337.

AN ACT TO VALIDATE A CERTAIN SPECIAL SCHOOL-TAX
ELECTION AND TO APPROPRIATE CERTAIN MONEYS TO
THE SCHOOL FUND IN SCHOOL DISTRICT No. 1, MADI-
SON COUNTY.

The General Assembly of North Carolina do enact:

Election
validated.

SECTION 1. That a certain special school-tax election held in Marshall School District, Number One, Madison County, for the white race, on the twentieth day of May, one thousand nine hundred and seven, wherein a majority of the qualified voters of said school district voted for special tax, be and the same is hereby validated, ratified and confirmed in all respects, and is declared to be of full force and effect.

Funds to be paid
over for school
purposes.

SEC. 2. That any and all funds now in the hands of the Treasurer of Madison County, or any that may hereafter come into his hands by virtue of chapter eight hundred and twelve, Public Laws

of one thousand nine hundred and seven, shall be paid over to the treasurer of the county board of education for public-school purposes.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 338.

AN ACT FOR THE PROTECTION OF DUCKS AND SQUIRRELS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the passage of this act it shall be unlawful for any person in Guilford County to kill, capture or in any manner destroy any "wood" or "summer" duck; and it shall further be unlawful to kill, capture or in any manner destroy any other species of wild duck between the first day of March and the first day of October in any year. Close season for ducks.

SEC. 2. It shall be unlawful to hunt, kill, capture or in any manner destroy any wild squirrels between the first day of February and the first day of October in any year. Close season for squirrels.

SEC. 3. Any person convicted of violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not longer than thirty days for each offense. Violation of act a misdemeanor.
Punishment.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 339.

AN ACT TO PREVENT SALARIED OFFICERS AND EMPLOYEES FROM RECEIVING PAY AS WITNESSES IN CRIMINAL ACTIONS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no salaried officer or employee of the city of Wilmington or of the county of New Hanover shall receive compensation from the county of New Hanover for attending as a witness in any criminal action heard and tried in the Superior Court of said county of New Hanover. Salaried officers and employees not to receive compensation from county.

Violation of act
a misdemeanor.

SEC. 2. Any salaried officer or employee of the city of Wilmington or of the county of New Hanover violating this act shall be guilty of a misdemeanor.

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

SEC. 4. This act shall be in force from and after its ratification.
Ratified this the 26th day of February, A. D. 1909.

CHAPTER 340.

AN ACT TO AMEND CHAPTER 77, SECTION 3073, OF THE REVISAL OF 1905, RELATING TO WEIGHTS AND MEASURES IN THE COUNTY OF SAMPSON.

The General Assembly of North Carolina do enact:

Weights and
measures retested
on complaint.

SECTION 1. That chapter seventy-seven, section three thousand and seventy-three, of the Revisal of one thousand nine hundred and five, be amended by inserting in lines twenty-seven and twenty-eight, after the word "county," the word "Sampson," and by changing the word "county" to the word "counties," and by changing the word "county," in line thirty-one of said chapter and section, to "counties," and after the word "Wilson," in said line, insert the words "or Sampson."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 341.

AN ACT AMENDING CHAPTER 66, SECTION 2786, OF THE REVISAL OF 1905, RELATIVE TO FIXING THE PER DIEM OF THE BOARD OF EDUCATION OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Per diem.

SECTION 1. That chapter sixty-six, section two thousand seven hundred and eighty-six, of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out, after the word "received," in line two of section two thousand seven hundred and eighty-six, the word "two," and inserting in lieu thereof the word "three."

Application of act.

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

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 342.

AN ACT PRESCRIBING THE METHOD OF DRAWING JURORS IN NEW HANOVER COUNTY AND THE QUALIFICATIONS OF SAID JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. At each term of the Superior Court held in the Special venire. county of New Hanover there shall be a special venire of jurors. the number of which shall be designated by the presiding judge, Number. drawn from day to day of each term of said court. under the Drawing. supervision of the chairman of the board of county commissioners or some other member of said board and the clerk of said court. by a boy of ten years of age or under, from a box containing the names of the qualified jurors of said county. to be furnished by the commissioners of said county; and the said special venires shall be drawn and the list given to the sheriff of said county on not less than the day previous to that on which the jurors of said special venire are required to serve.

SEC. 2. Said jurors so drawn as aforesaid from day to day shall Regular jurors. be regular jurors and subject only to the challenges now allowed by law to regular jurors.

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 from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 343.

AN ACT TO DIVIDE GULLEDGE TOWNSHIP, IN ANSON COUNTY, INTO TWO VOTING PRECINCTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Gullede Township, in Anson County, be and Township divided. the same hereby is divided into two election precincts by a line as follows: Beginning at the point where the line between School Dividing line. Districts Numbers One and Four, in Gullede Township, touches the White Store Township line, and runs with the line of said school districts to the point where the four Gullede Township school districts corner; thence with the line between Gullede Township School Districts Two and Three and with the course of Precincts. said line to the Morven Township line, and that territory in said township north of said line shall be Gullede Election Precinct Number One, and that territory in said township south of said line shall be Gullede Election Precinct Number Two.

Appointment of
election officers.

SEC. 2. The Board of Elections of Anson County shall appoint the necessary election officers for each precinct and shall establish a polling place in each precinct.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 344.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BLADEN COUNTY TO ESTABLISH A CHAIN GANG.

Preamble.

Whereas the Board of County Commissioners of Bladen County desire to be empowered by the General Assembly of North Carolina to establish a chain gang for the purpose of working certain convicts on the public highways and bridges of said county: now, therefore,

The General Assembly of North Carolina do enact:

Prisoners available for road work.

SECTION 1. That all persons confined in the county jail, either by sentence of the court for crime or imprisonment for the nonpayment of fines or costs, shall be available to the county commissioners for the purpose of working them upon the highways and public roads and bridges of the county; and upon the application of any superintendent of roads, having an order from the county commissioners, it shall be the duty of the sheriff or jailer having such prisoners in his custody to deliver them to the superintendent of roads, who shall be responsible for their safe-keeping and return, and the sheriff of the county or jailer shall be exonerated in case of the escape of any of such prisoners.

Convicts from other counties.

SEC. 2. That the county commissioners are hereby authorized to accept convicts from other counties sentenced by the Superior Court Judges, whenever in their judgment it is deemed convenient to do so; and the Judges of the Superior Court are hereby authorized to sentence prisoners from any other county for misdemeanors and felonies not capital.

Convicts to be sentenced to road work.

SEC. 3. That upon application of the county commissioners of the county, it shall be lawful for and the duty of judges holding courts in said county, also the justices of the peace in said county and mayors of incorporated towns, to sentence to imprisonment and hard labor on the public highways and bridges of said county, for such terms as are prescribed by law for their imprisonment in the county jail or in the State's Prison, the following class

of prisoners, to-wit: All persons convicted of offenses the punishment whereof would be, in whole or in part, imprisonment in the county jail or imprisonment in the State's Prison, for a term not exceeding ten (10) years.

SEC. 4. That the convicts sentenced to hard labor shall be under the control of the county commissioners of said county, and the said authorities shall have the power to enact and enforce all needful rules for the working of all convicts and such guards and other employees as may be necessary, and commit to the superintendent the custody of the whole or any part of the convict force, and they may authorize and empower him to use only such discipline as may be necessary to carry out the rules and regulations in the working of the highways and public roads or any other works to which said convicts may be put by order of the commissioners, to the same extent as is allowed by law to the authorities of the penitentiary in the control of convicts committed to the State's Prison; and the board of county commissioners, in their discretion, may work said convicts upon other public works in said county, and whenever in their discretion it seems to them to be best they may hire out said convicts to any person or corporation and may use said convicts to do any work for the improvement of the county home.

Control of convicts.

Discipline.

Public works.

Power to hire out convicts.

SEC. 5. That for the purpose of equipping and maintaining said convict system, the said commissioners are hereby authorized and empowered to use the county jail for the safe-keeping of said prisoners, or to build and maintain a convict camp or camps and to provide for the keeping and maintaining of said convicts and transporting said convicts to and from their work. The rules and regulations enacted and enforced by the county commissioners must be in accord with the rules and regulations governing the use of convicts on public roads laid down and published by the State Highway Commission.

Safe-keeping of prisoners.

SEC. 6. The prisoners shall do no work on the highways or public roads unless said work has been prescribed by the superintendent of roads or other proper authority in the proper road district; and the prisoners working the public roads, in default of payment of fines or costs, shall be allowed so much per day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the account charged against them. If any prisoner shall escape he shall be deemed guilty of a misdemeanor.

Work prescribed.

Allowances on fines or costs.

Escape a misdemeanor.

SEC. 7. *Provided*, that this act shall not be deemed to repeal or affect in any manner the present road laws for the county of Bladen.

Effect on present road laws.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 345.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC
ROADS OF LEE COUNTY BY CONVICTS.*The General Assembly of North Carolina do enact:*Work on roads or
other public
works.Convicts from
other counties.Convicts sent-
enced to road
work.Proviso: accept-
ance of convicts
discretionary.Care, mainte-
nance, manage-
ment and work-
ing of convicts.

Safe-keeping.

Purchase of ma-
chinery and ac-
cessories.

SECTION 1. Whenever by any court of competent jurisdiction in the county of Lee any person is sentenced to imprisonment at hard labor, and when not otherwise provided in said sentence, it shall be lawful for the board of county commissioners of said county to require the said convict to work on the public roads of said county or other public works therein, as designated by said board of commissioners, and the Board of Commissioners of Lee County are authorized and empowered to accept convicts sentenced in the courts of other counties in the State of North Carolina and work the said convicts upon the public roads and other public works, as designated by the board of commissioners, in the county of Lee, in all respects as if the said convicts were sentenced by a court of Lee County, and the boards of county commissioners in the respective counties of the State are authorized and empowered to deliver said convicts to the proper authorities of the county of Lee, to be worked upon the public roads or other public works of said county, when no other disposition of the said convict is made in the sentence pronounced on said convict, or when in said sentence or judgment the public roads of Lee County are designated; and it shall be lawful for the courts of Lee County and of other counties in the State to sentence convicts to hard labor on the public roads and other public works of the county of Lee: *Provided*, nothing herein shall be construed to compel the board of commissioners to accept convicts from other counties in the State or to work the convicts of the county of Lee, except at the discretion of the said board of commissioners.

SEC. 2. The Board of Commissioners of Lee County are authorized and empowered to make such rules and regulations for the care, maintenance, management and working of the said convicts as may be deemed necessary or proper, and compel obedience to the same; and may employ superintendents, guards, attendants and help, as in the judgment of the said board may be required, and fix the compensation of the same; and the said convicts may be kept in the county jail or such other place or places as the board of commissioners may provide.

SEC. 3. The board of commissioners are authorized and empowered to purchase such machinery, implements, tools, supplies, equipment and accessories as may be proper or necessary to work the said convicts or comply with this chapter and carry out the purposes thereof, as they may deem proper to secure the best results and to improve the said roads with the greatest economy

and efficiency, and shall have power to make such contracts as may be necessary or expedient to carry out the provisions of this act.

SEC. 4. When any person shall be imprisoned for the nonpayment of any fine or costs, or where it is lawful to retain any person in prison for the nonpayment of any fine or costs in the county of Lee, it shall be lawful for the board of commissioners to require the said person to work upon the public roads or other public works of the county, at a compensation to be fixed by the said board, the said compensation to be paid on the said fine or costs, or both, until said fine and costs shall have been paid. Road work for fine or costs.

SEC. 5. When in the judgment of the said board of county commissioners it may be done with advantage to the county, in aid of the working of the convict system hereby established or supplemental thereto, the board of county commissioners shall have power to contract for the laying out, working or repairing of any road or roads or the performance of any work or labor needed for the improvement of the said roads, and may hire out the convicts designated in this act to any township in this county or other county, or any county having authority to contract, at a price to be fixed by said board of commissioners, to be worked upon the public roads of the township or county hiring them, upon such terms and under such regulations as the said board may determine. Contracts for roads. Power to hire out convicts.

SEC. 6. To carry out the purposes of this act the board of county commissioners shall have power to make appropriations or payments out of the general public funds of the county. Power to make appropriations.

SEC. 7. Any improvement upon any property of the county designated by the board of commissioners shall be considered public works of the county, within the meaning of this act. Public works defined.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 346.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY TO LEVY A SPECIAL TAX.

Whereas the Board of Commissioners of Currituck has made certain obligations on the part of the county for the purposes of repairing the county jail, which indebtedness aggregates fifteen hundred dollars: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Currituck County, North Carolina, be and are hereby authorized and empowered to levy a special tax, not to exceed fifteen cents on each Levy of tax authorized. Limit.

- hundred dollars' worth of real and personal property and forty-five cents on each taxable poll, for the year one thousand nine hundred and nine, for the purpose of paying off said obligation above mentioned.
- Purpose. SEC. 2. That said special tax be levied and collected and disbursed as other taxes are levied, collected and disbursed.
- Levy and collection. SEC. 3. Should there be any surplus remaining in the hands of the county treasurer derived from said special tax after the payment of the above-stated obligation, all such excess shall be turned into the general fund of said county, the same to be used for the payment of county claims.
- Surplus. SEC. 4. That all laws in conflict with this act are hereby repealed.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A. D. 1909.

CHAPTER 347.

AN ACT TO PROVIDE FOR THE LEVYING OF A TAX FOR WORKING THE ROADS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

- Levy of special tax as road fund ordered. SECTION 1. That the Board of County Commissioners of Rutherford County shall, in order to provide for the proper construction, improvement and maintenance of the public roads of Rutherford County, at their regular meeting in June, one thousand nine hundred and nine, and at each regular annual meeting thereafter, levy a special tax of not exceeding ten cents on the one hundred dollars' worth of property, 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 of the county.
- Rate. SEC. 2. 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 said treasurer shall be liable, and for his services in receiving and disbursing such fund he shall receive such a commission as the board of county commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships, when itemized statements of the same have been certified to by the township board of supervisors and approved by the board of
- County treasurer treasurer of road fund.
- Commission.
- Accounts against road fund.

county commissioners; and he shall honor the orders of the board of county commissioners for regular distribution of this fund to the several townships of the county.

SEC. 3. The county treasurer of the county shall keep a separate Separate accounts. account of the road fund of the county and each of the several townships therein, and of his disbursements of the same, and he Monthly reports. 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 Semiannual reports. and every year he shall present to 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 to be published. 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. 4. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 348.

AN ACT PROVIDING FOR THE MAINTENANCE OF ROADS IN BEAVER DAM TOWNSHIP, IN RICHMOND COUNTY. BY TAXES, IF PETITIONED FOR BY A MAJORITY OF THE QUALIFIED VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That upon petition of a majority of the qualified Levy of special tax ordered on petition voters of Beaver Dam Township, in Richmond County, it shall be the duty of the board of county commissioners, at the time for levying other county taxes, to levy and assess annually against all of the real and personal property and polls in the said Beaver Dam Township a special tax sufficient to work, maintain and keep in repair the public roads of said township, not exceeding Rate. forty cents on the hundred dollars' worth of property and one dollar and twenty cents on the poll; said special taxes to be Collection of tax. collected as other taxes of the county are collected, and to be used and disbursed upon the order of the township road commissioners of said township, as is now provided by law for the other townships in Richmond County.

SEC. 2. That it shall be the duty of the said board of county Appointment of road commissioners. commissioners, upon filing of the said petition, to appoint three citizens of Beaver Dam Township road commissioners for a term of two years, the said road commissioners to have full authority

and power as is now given by law to the road commissioners of the townships in Richmond County, and their successors to be elected as is provided for the election of road commissioners in the other townships of said county.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 349.

AN ACT FOR THE RELIEF OF THE COUNTY BOARD OF EDUCATION OF ROBESON COUNTY.

Preamble.

Whereas, on July eleventh, one thousand nine hundred and three, the County Board of Education of Robeson County did purchase from A. L. and W. F. Bullock a certain lot in the town of Rowland, in said county, for the use of White Public-school District Number One, of Thompson's Township, as will fully appear from the deed for said lot, which is registered in the office of the Register of Deeds of Robeson County, in book R R R R, at page eighty-eight, the said lot being bounded and described as follows: "Lying west of the canal, bounded on the north by the extension of Church Street and on the east by the Bullock lands, on the south by the extension of the next street south of Church Street and parallel with it, and on the west by the Bullock lands; beginning at a stake on the extension of Church Street and running thence in a westerly direction, parallel with said street, two hundred and forty-nine feet to a stake; thence in a southerly direction three hundred feet to a stake; thence in an easterly direction two hundred and ninety-four feet, parallel with the street next south of Church Street, extended, to a stake; thence in a northerly direction three hundred feet to the beginning; being a portion of the lands purchased from D. F. McCormick"; and whereas, after the purchase of the said lot, the said school district borrowed from the school fund of the State of North Carolina the sum of one thousand dollars, to be used in the erection of a school building upon said lot; and whereas the following-named persons also made voluntary contributions toward the erection of the said school building, with the understanding that in case said property should cease to be used for school purposes or should be sold, then they would be entitled to be repaid the amounts so contributed by them; the names of the persons contributing toward the erection of said building, with the amounts contributed by them, being as follows, to-wit: A. L. Bullock, one hundred dollars; J. B. McLeod, fifty dollars; W. E. Evans, ninety-five dollars; H. K. McCormick, one hundred dollars;

Preamble.

Preamble.

A. T. McKellar, forty dollars; D. F. McCormick, fifteen dollars; J. R. Johnson, five dollars; D. J. Watson, five dollars; P. H. Barnes, fifty dollars; M. Lytch, fifteen dollars; D. J. Neal, ten dollars; Mrs. A. C. McLean, ten dollars; Mrs. M. J. LeGette, five dollars; W. T. Walker, fifteen dollars; W. H. McCallum, twenty-five dollars; E. M. Hines, fifty dollars; C. J. McCallum, five dollars; J. A. McEachern, ten dollars; W. J. Faircloth, fifteen dollars; D. W. Faircloth, five dollars; Dr. H. Reedy, five dollars; W. L. Townsend, twenty-five dollars; L. Z. Hedgpeth, fifty dollars; Mrs. I. F. McQueen, twenty-five dollars; R. L. Rogers, fifteen dollars; A. H. Webster, two and one-half dollars; Mrs. R. Alford, fifteen dollars; W. W. Webster, five dollars; and whereas, by act of the Preamble. General Assembly of North Carolina, at the session of one thousand nine hundred and seven, the said town of Rowland and certain other territory which was formerly contained in White Public-school District Number One, of Thompson's Township, was created and made a graded-school district, and bonds have been issued and a graded-school building has been erected; and whereas, Preamble. on account of the establishment of the said graded-school district, it is no longer necessary to use the public-school property hereinbefore referred to for school purposes, and the same now remains unoccupied and of no use, either to the said public or to said graded-school district; and whereas it is the desire of the school Preamble. committee of said public-school district and of the citizens of the town of Rowland and of the trustees of said graded-school district and also of the County Board of Education of Robeson County that the said property be sold and the proceeds used as hereinafter set forth; and whereas there now remains a debt upon the said Preamble. property of five hundred and sixty dollars, due the school fund of North Carolina, this being the balance due upon the loan of one thousand dollars made to said district, as hereinbefore set forth; and whereas, the graded-school district at Rowland has purchased Preamble. desks for said school and thereby incurred a debt in the sum of six hundred dollars; and whereas it is just that upon a sale of Preamble. the said property the proceeds be first applied toward the liquidation of the debt due the State of North Carolina; and whereas it Preamble. is also just and equitable that, after a settlement of the said debt due the State of North Carolina, and after the said parties have been paid the amounts set out in the preamble hereof, the said persons being now taxed for the support of the said school district; and whereas it is but just and equitable that any surplus Preamble. which might remain after paying the amounts hereinbefore set out, that the balance remaining should be applied to the purchase of desks for the said graded school: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Robeson County be and they are hereby authorized, empowered and directed Sale of land authorized.

Advertisement
of sale.

Proviso: time for
advertisement.

Land sold to
highest bidder.

Deed to pur-
chaser.

Application of
proceeds of sale.

Board of Educa-
tion to advertise
sale.

to forthwith sell the land described in the preamble hereto (being the same land as was conveyed by A. L. and W. F. Bullock to the County Board of Education of Robeson County by deed, dated July eleventh, one thousand nine hundred and three, and registered in the register's office of Robeson County, in book R R R R, at page eighty-eight), at public auction, to the highest bidder, for cash, at the courthouse door in Lumberton, North Carolina; said sale to be made after having first advertised the time, place and terms of sale at the courthouse door and four other public places in said county for thirty days immediately preceding the said sale, and also for four weeks in some newspaper published in said county, to be selected by the said County Board of Education of Robeson County: *Provided*, it shall be the duty of the said board to advertise the said sale within thirty days after the ratification of this act.

SEC. 2. The said land shall be sold to the highest bidder at said sale, and upon the payment by him to the said County Board of Education of Robeson County of the amount of his said bid the said County Board of Education of Robeson County shall execute and deliver to the said purchaser or his assigns a deed conveying to him and his heirs and assigns the said land in fee simple, and the said deed shall be executed by said board in the manner prescribed by law.

SEC. 3. The proceeds derived from the sale of said land shall be held by the said county board of education and shall be applied as follows: There shall first be paid to the State of North Carolina the balance due said State by White Public-school District Number One, of Thompson's Township, to-wit, the sum of five hundred and sixty dollars; there shall next be paid the amounts to the persons as set out in the preamble hereof. If, after paying the amounts hereinbefore set forth, there shall remain any surplus, then the amount of such surplus shall be paid to the treasurer of the graded school of the town of Rowland, to be applied on the debt due by said graded school for desks.

SEC. 4. It shall be the duty of the said County Board of Education of Robeson County, within thirty days after the ratification of this act, to proceed to advertise said land for sale in accordance with the terms and provisions of this act, and the said sale shall be held and the proceeds of sale collected as expeditiously as possible.

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

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 350.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND CONSTABLES AT GLEN RAVEN MILLS, BURLINGTON TOWNSHIP, ALAMANCE COUNTY, AND TO PROHIBIT DRUNKENNESS THERE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the sheriff or deputy sheriffs in Alamance County living and residing at Glen Raven Mills, Burlington, Alamance County, or those appointed by the Sheriff of Alamance County for that section of said county in which Glen Raven Mills is situated, and the constable of Burlington Township, in said county, and he or they shall have power and authority to suppress all disturbances of the quiet and good order of and in the village of Glen Raven and on the premises of Glen Raven Cotton Mills Company, in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said village and on the above-mentioned premises. Said sheriff or deputy sheriffs and constables shall have authority and power, if resisted, in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law; and if any person so summoned shall refuse to assist, the said sheriff or deputy sheriffs or constables are hereby required to report the name of such person to the proper authorities, to the end that he may be dealt with as the law directs. Said sheriff or deputy sheriffs and constable shall have the power to enter the enclosures and houses of any person in the aforesaid premises, without warrant, when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid him or them, and all persons so summoned shall have like authority to enter and arrest. Any person arrested by said sheriff, deputy sheriffs or constable for any offense shall as soon as practicable be taken before some justice of the peace of Alamance County, where and when formal complaint shall be lodged against such person, as prescribed by law, to the end that such person may have a speedy trial and be dealt with as the law directs; and in the meantime, and until the case is disposed of, such persons so under arrest may be detained and confined in a guardhouse or calaboose provided for that purpose, by any of said officers, unless bail is given as prescribed by law.

Powers of deputy sheriff and constable.

Power to summon assistance.

Power to enter premises without warrant.

Detention of persons arrested without warrant.

SEC. 2. Such sheriff or deputy sheriffs and constables shall have the same power and authority in the said village of Glen Raven Cotton Mills and on said premises as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Powers as policemen.

Badges to be worn.

SEC. 3. Such sheriff or deputy sheriffs and constable, when on duty, shall severally wear a metallic shield with the word "Police-man" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

Public drunkenness a misdemeanor.

SEC. 4. That every person found drunk on the streets or roads or in any public place in said village of Glen Raven Cotton Mills or in any public place on said premises within one mile of Glen Raven Methodist Protestant Church, or drunk or staggering along said streets or roads, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than ten dollars or imprisoned not more than ten days.

Punishment.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 351.

AN ACT TO REGULATE THE SHOOTING OF SQUIRRELS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for anyone to shoot or in any manner capture any squirrels in Currituck County between the thirty-first day of March and the first day of October in each year.

Killing while depredating upon corn crops.

SEC. 2. That this act shall not prohibit the killing of squirrels while depredating upon the growing corn crops in said county.

Misdemeanor.

SEC. 3. That anyone violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined at the discretion of the court.

Punishment.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 352.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RANDOLPH COUNTY TO DISCONTINUE WORKING CONVICTS ON THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Discontinuance authorized.

SECTION 1. That the county commissioners of Randolph County are hereby authorized, if they think proper, to discontinue work-

ing convicts on the public roads of said county, under the provisions of chapter fifty-three. Public Laws of one thousand eight hundred and ninety-five.

SEC. 2. That if the commissioners of said county should decide to discontinue the working of said convicts, they shall make application by petition to the judge holding court in the Tenth Judicial District, at chambers, to be permitted to transfer the convicts working on the roads in Randolph County to the roads of some other county in the Tenth Judicial District, and the judge holding the courts in said district, upon said application, is authorized and empowered to make an order transferring the convicts to such other county in the Tenth Judicial District as in his judgment is proper and right. Petition for transfer of convicts.
Order for transfer.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 353.

AN ACT TO REGULATE THE TIMES 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 Court for the county of Bladen, in the Seventh Judicial District, for every year, shall be held on the first Monday after the first Monday in March, the sixth Monday after the first Monday in September, each to continue one week, for the trial of criminal cases; the sixth Monday before the first Monday in March, the fifth Monday before the first Monday in September, each to continue one week, for the trial of civil cases exclusively. Terms.

SEC. 2. That the county commissioners of Bladen County, at least twenty days before the terms of court commencing the sixth Monday before the first Monday in March and the fifth Monday before the first Monday in September in each year, shall cause to be drawn from the jury box not less than eighteen scrolls, and the persons whose names are inscribed on said scrolls shall serve as jurors at the said terms of the Superior Court. The presiding judge at said terms may in his discretion direct the sheriff to summon such additional jurors for the term as may be necessary for the proper dispatch of the business before the court. County commissioners to draw jurors.
Additional jurors.

SEC. 3. Civil process may be returnable to and pleadings filed at all terms of court herein designated civil trials which do not re- Return of civil process.

Civil actions at
criminal terms.

quire a jury. Motions and divorce cases may be heard at such criminal terms, and any other civil actions may be heard, by consent, at such terms.

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

When act
effective.

SEC. 5. That this act shall be in force from and after the first day of July, one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 354.

AN ACT TO ABOLISH THE OFFICE OF STANDARD KEEPER IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Office abolished.
Application.

SECTION 1. That the office of standard keeper is hereby abolished.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 355.

AN ACT TO AMEND CHAPTER 258 OF THE PUBLIC LAWS OF 1905, WHICH RELATES TO THE WORKING OF THE PUBLIC ROADS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Assignments of
convict force.

SECTION 1. That section five (5) of chapter two hundred and fifty-eight (258) of the Public Laws of the session of one thousand nine hundred and five (1905) be amended by striking out all of said section after the word "that," in line four (4) thereof, and inserting in lieu thereof the following: "The said board of commissioners, in their discretion, may assign the county convict force to work, repair, improve or rework any of the public roads, highways, streets or other public works in Cumberland County, wherever and whenever they may deem such work necessary."

Road duty.

SEC. 2. That an additional section be added to said chapter, reading: "The said board of commissioners may require all road overseers to cause each and every person liable for road duty in his district to work the full six (6) days in each year; and in case of storms, washouts or other unusual casualties, may also require such additional time as is necessary to make repairs in the public roads."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 356.

AN ACT TO PROVIDE A METHOD OF PROVIDING JURIES
FOR THE SUPERIOR COURTS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the manner of drawing jurors, as set forth in section one thousand nine hundred and fifty-eight (1958) and section one thousand nine hundred and fifty-nine (1959) of the Revisal of one thousand nine hundred and five of North Carolina, shall no longer apply to the courts to be held in the county of Cleveland.

SEC. 2. The board of commissioners of the county of Cleveland, at their regular meeting on the first Monday in June, the year one thousand nine hundred and nine, and every two years thereafter, 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 eleven boxes procured for that purpose, which said boxes shall be numbered from one to eleven, inclusive, and these eleven 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. There shall be provided by the board of county commissioners another large box, marked "B," which said 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 Superior Court to be held in said county the commissioners shall cause to be drawn from the eleven jury boxes contained in the box marked "A," by a child not more than ten years of age, thirty-six scrolls, and the persons 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 in 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 Cleveland 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.

General law not to apply.

Jury lists by townships.

Box "A."

Box "B."

Jurors drawn from box "A."

Names returned to box "B." Jurors for second week.

Proviso: jurors proportioned to townships.

Reference to
Revisal.

SEC. 4. That wherever reference is made in chapter forty-five of Revisal of one thousand nine hundred and five of North Carolina (except in sections one thousand nine hundred and fifty-eight and one thousand nine hundred and fifty-nine, which do not apply to this act) to partition marked "Number One," it shall be deemed and held to refer to box "A," and partition marked "Number Two" to box "B."

When act
effective.

SEC. 5. That this act shall apply only to Cleveland County.

SEC. 6. That this act shall be in force from and after the first Monday in May, one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 357.

AN ACT TO PROHIBIT THE SETTING OF STEEL TRAPS ON THE LANDS OF ANOTHER.

The General Assembly of North Carolina do enact:

Setting steel traps
or deadfalls for-
bidden.

Sampson county.

Misdemeanor.
Punishment.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to set any steel trap or traps or deadfall on the lands of another in the county of Sampson.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 358.

AN ACT TO AMEND CHAPTER 462, PUBLIC LAWS OF 1903, SO AS TO PROVIDE COURT STENOGRAPHERS FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Counties added.

SECTION 1. That chapter four hundred and sixty-two, Public Laws of one thousand nine hundred and three, be amended by striking out the word "county," in line two of section one, and inserting in lieu thereof the words "Montgomery and Randolph counties."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 359.

AN ACT TO PROVIDE FOR THE APPROPRIATION OF CERTAIN MONEYS BELONGING TO MARK'S CREEK TOWNSHIP, IN WAKE COUNTY.

Whereas, under the power and authority contained in chapter Preamble, one, Private Laws of one thousand nine hundred and three, the people in Mark's Creek Township, in Wake County, voted to issue eight thousand dollars of bonds in aid of the construction of the Raleigh and Pamlico Sound Railroad, and said bonds were duly issued in pursuance of said authority; and whereas, since Preamble, the issue of said bonds, a tax has been duly levied and collected in said township, under the authority of said act, to meet the interest on said bonds and create a sinking fund for the same; and whereas said bonds have since been retired and canceled, under Preamble, an agreement with said railroad, made in pursuance of the authority contained in chapter nine hundred and thirty-four of the Laws of one thousand nine hundred and seven; and whereas there now Preamble, remains in said sinking fund provided to meet said bonds at their maturity the sum of one thousand one hundred and two dollars, and no authority in law exists whereby the same may be expended or appropriated for the use of the people in said township; and Preamble, whereas it is the desire of the people of said township that some provision of law shall be made to authorize the expenditure of said money on the roads and schools in said township:

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Wake County and the treasurer of said county, as commissioner of said sinking fund for said bonds, or any other officer or person having the custody of said fund, shall be and the same are hereby authorized and empowered to turn over the sum remaining in said sinking fund after first paying all such reasonable charges and expenses as are authorized to be paid under chapter nine hundred and thirty-four, Laws of one thousand nine hundred and seven, to the credit of the Board of Road Trustees of Mark's Creek Township, appointed under the provisions of chapter . . . , Laws of one thousand nine hundred and nine, to be used and expended by said trustees upon the public roads of said township in their discretion.

Fund to be turned over to township road fund.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 360.

AN ACT TO PROVIDE FOR THE APPROPRIATION OF CERTAIN MONEYS BELONGING TO ST. MATTHEW'S TOWNSHIP, IN WAKE COUNTY.

Preamble. Whereas, under the power and authority contained in chapter one, Private Laws of one thousand nine hundred and three, the people in St. Matthew's Township, in Wake County, voted to issue five thousand dollars (\$5,000) of bonds in aid of the construction of the Raleigh and Pamlico Sound Railroad, and said bonds were

Preamble. duly issued in pursuance of said authority; and whereas, since the issue of said bonds, a tax has been duly levied and collected in said township, under the authority of said act, to meet the interest on said bonds and create a sinking fund for the same;

Preamble. and whereas said bonds have since been retired and canceled, under an agreement with said railroad, made in pursuance of the authority contained in chapter nine hundred and thirty-four of the Laws of one thousand nine hundred and seven; and whereas there now remains in said sinking fund provided to meet said bonds at their maturity about the sum of nine hundred and thirty-five dollars (\$935), and no authority in law exists whereby the same may be expended or appropriated for the use of the

Preamble. people in said township; and whereas it is the desire of the people of said township that some provision of law shall be made to authorize the expenditure of said money on the roads and schools in said township:

The General Assembly of North Carolina do enact:

One-half to road fund.

SECTION 1. That the Board of County Commissioners of Wake County and the treasurer of said county, as commissioners of said sinking fund for said bonds, or any other officer or person having the custody of said fund, shall be and the same are hereby authorized and directed to turn over one-half the sum remaining in said sinking fund, after first paying all such reasonable charges and expenses as are authorized to be paid under chapter nine hundred and thirty-four, Laws of one thousand nine hundred and seven, to the credit of the Board of Road Trustees of St. Matthew's Township, appointed under the provisions of chapter, Laws of one thousand nine hundred and nine, to be used and expended by said trustees upon the public roads of said township in their discretion; that the other half of said moneys be turned over to the credit of the school fund of said township, to be apportioned by the county board of education among the school districts of said township as may seem to them just and proper.

One-half to school fund.

Sec. 2. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 361.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF MOORE COUNTY TO HIRE OUT CONVICTS ASSIGNED
TO WORK UPON ANY ROADS OF SAID COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Moore County, at any time when in their judgment it shall be advisable, are hereby authorized to hire out to any township in Moore County, or to any township in any other county in North Carolina, or to any other county in said State, any convicts which now are or may hereafter be assigned to work upon any of the public roads of Moore County under the provisions of chapter five hundred and eighty-one, Public Laws of one thousand eight hundred and ninety-nine: *Provided*, that nothing herein shall be construed to change the nature of the employment of such prisoners or the terms of their imprisonment.

Hiring to town-
ships or other
counties.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 362.

AN ACT TO REPEAL CHAPTER 74, PUBLIC LAWS OF 1908.
ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LINCOLN COUNTY TO ISSUE BONDS TO
MACADAMIZE AND IMPROVE THE PUBLIC ROADS
THEREOF."*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-four, Public Laws of one thousand nine hundred and eight, entitled "An act to authorize the commissioners of Lincoln County to issue bonds to macadamize and improve the public roads thereof," be and the same is hereby repealed.

Law repealed.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 363.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF RICHMOND COUNTY TO ISSUE BONDS.*The General Assembly of North Carolina do enact:*

- Purpose of issue. 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 annum, to the amount of twenty thousand dollars, or such amount 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.
- Interest. Amount. Denominations.
- Receivable for county taxes.
- Authentication. 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.
- Records to be kept. 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.
- Destruction of redeemed bonds. 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 the direction of the board.
- Date of bonds. Maturity. SEC. 5. That said bonds shall be dated as of the first day of January, one thousand nine hundred and nine (1909), 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 to be detached.
- Special tax. 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. Constitutional equation.

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 eighteen (1918), 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.
Constitutional equation.
Investments of 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 special taxes are levied, as set forth and provided for in sections six and seven of this act: *Provided, however*, that if there is any amount over, after all bonds herein provided for and issued, together with the interest on the same, and all costs incident to the special taxes as provided for are paid, the same shall be turned over to the public-school fund of Richmond County. Collection of tax.
Specific appropriation.
Proviso: surplus.

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

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. Keeping and payment of fund.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 364.

AN ACT TO AMEND SECTIONS 2686 AND 2712 OF THE REVISAL OF 1905, CONCERNING MEETINGS OF TOWNSHIP BOARDS OF SUPERVISORS.

The General Assembly of North Carolina do enact:

Time of filing
petition.

SECTION 1. That section two thousand six hundred and eighty-six of the Revisal of one thousand nine hundred and five be amended by inserting after the word "township" and before the word "praying," in line seven, the words "at a regular or special meeting."

Special meetings
of supervisors.

SEC. 2. That section two thousand seven hundred and twelve of said Revisal be amended by adding after the word "township," in line six, the following words: "and may hold special meetings at other times, upon ten days' written notice by the chairman to each member of the board, stating the time and place of such meeting."

Proviso: quorum
of supervisors.

SEC. 3. That said section two thousand seven hundred and twelve be further amended by adding at the end thereof the following words: "*Provided further*, that where said board is composed of more than three members it shall take three members to constitute a quorum of said board for the transaction of business."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 365.

AN ACT TO AMEND SECTION 2944 OF THE REVISAL OF 1905, RELATING TO HOLDING MUNICIPAL ELECTIONS IN THE COUNTY OF RANDOLPH.

The General Assembly of North Carolina do enact:

Randolph
stricken out.

SECTION 1. That section two thousand nine hundred and forty-four of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "Randolph" in line six thereof.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 366.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF GREENE COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Greene County be and they are hereby authorized, for the purposes hereinafter named, to levy a special tax for the years one thousand nine hundred and nine and one thousand nine hundred and ten, respectively, at the time for levying the general taxes for said county, which special taxes shall be levied upon taxable property and polls and other subjects of taxation in said county, and may amount to, but shall not exceed, the sum of ten thousand dollars; and that one-half of the same be levied and collected in each of said years, observing the equations prescribed in the Constitution.

SEC. 2. That the said special taxes are authorized and are to be levied and collected only for the purposes of paying off the indebtedness for the construction and repairing of county bridges, highways and public buildings of said county, and for making necessary provisions to secure the public health in said county.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 367.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AT LONGHURST, IN PERSON COUNTY, AND TO PROTECT PROPERTY AND PRESERVE THE PEACE OF SAID VILLAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever it shall be necessary for the preservation of the public peace, good order and decency, or the protection of life, liberty, person or property of individuals in the village of Longhurst, situated in Person County, or in one mile of the cotton mills erected in Longhurst, the deputy sheriff or deputy sheriffs appointed by the Sheriff of Person County, living and residing in Roxboro, shall have power and authority and it shall be the duty of said deputy sheriff to arrest the body of parties violating the law in Person County in one mile of said cotton mills, without warrant, and take such person or persons before the justice of the peace residing in Longhurst, Person County, when and where formal complaints shall be made against such offenders, as is

	prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs. The said officer shall likewise have authority and it shall be his duty to arrest the body of all persons violating the law in Person County, lying within one mile of Longhurst, without warrant, and take such persons before the nearest magistrate residing in Person County, when and where formal complaint shall be made against such offenders, as is prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs.
Confinement of persons arrested.	And in the meantime, and until the case of such person or persons charged with having violated the law shall be tried and disposed of by the justice of the peace, such person or persons may be confined in the guardhouse or calaboose, provided for that purpose, by said officers, unless bail shall be given as provided by law;
Suppression of disturbances and prevention of injuries to property.	that it shall be the duty of said deputy sheriff to suppress all disturbances of the quiet and good order in the village of Longhurst, and to prevent as far as possible all injuries to property in said
Power to summon assistance.	village; and if the deputy sheriff shall be resisted in the execution of his duty he shall have the power and it shall be his duty to call
Refusal to aid officer a misdemeanor.	to his assistance any citizen or citizens, and if such citizen or citizens refuse to aid such officer, when called, he or they shall
Punishment.	be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
Public drunkenness a misdemeanor.	SEC. 2. That any person found drunk on the streets or roads or in any public place in said village of Longhurst, or on the premises of the Longhurst Cotton Mills or in one mile thereof, shall be
Punishment.	guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not exceeding ten days.
Use of vulgar or obscene language a misdemeanor.	SEC. 3. That any person who shall use vulgar or obscene language on the premises of the Longhurst Cotton Mills shall be
Punishment.	guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars or be imprisoned not more than ten days.
Warrants for evidence as to suspected disorderly places.	SEC. 4. That it shall be lawful for the justice of the peace residing in Longhurst, if he has good reason to believe that anyone has knowledge of the playing within one mile of Longhurst Cotton Mills of any of the games prohibited by a law of this State, or that anyone has knowledge of the unlawful sale of spirituous, vinous or malt liquors within one mile of the Longhurst Cotton Mills, or that any person keeps a bawdyhouse or house of ill fame in one mile of said cotton mills, to issue a summons, in writing, commanding such person to appear before him and give evidence of what he may know of such gaming or unlawful sale
Person giving evidence not indicted.	of liquors or bawdyhouse or house of ill fame, and the person giving such evidence shall not be prosecuted for having participated in such offense as he shall give evidence in.

SEC. 5. That said deputy sheriff shall wear a policeman's badge Badge to be worn.
when on duty.

SEC. 6. That in order to make more specific and definite the Boundaries defined.
words "one mile of the cotton mills" used in this act, the boundary
of Longhurst shall be a circle, every point of which shall be one
mile distant from the northwest corner of the main cotton factory
building, and that all jurisdiction conferred by this act shall be
exercised within said circle.

SEC. 7. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 368.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Gates County Levy of tax authorized.
be and they are hereby authorized and empowered to levy a
special tax in the years one thousand nine hundred and nine and Years.
one thousand nine hundred and ten, at the same time and in the
same manner with the levies of other county taxes in said years.
on all taxable property and polls in said county, for the purpose Purpose.
of paying off the indebtedness of said county incurred in remodeling
and enlarging the courthouse, for building fireproof vaults for the
protection of the public records of said county and for repairing
the county jail and furnishing steel cells for the same.

SEC. 2. That the special tax, as provided in section one of this Limit of rate.
act, shall not exceed ten cents on the one hundred dollars valuation
of property and thirty cents on each taxable poll, and in making
the levy the county commissioners shall observe the constitutional Constitutional equation.
equation between the property tax and the poll tax.

SEC. 3. That said taxes shall be collected and accounted for Collection and accounting for taxes.
by the sheriff or other tax collector of said county, in the same
manner and under the same penalties and at the same time as
other taxes levied for said county.

SEC. 4. Should there be any surplus remaining in the hands of Surplus to general fund.
the county treasurer derived from said special tax, after the pay-
ment of the above-stated obligations, all such excess shall be turned
into the general county fund and be used for the payment of county
contingent claims.

SEC. 5. That all laws in conflict with this act are hereby re-
pealed.

SEC. 6. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 369.

AN ACT TO PROMOTE EDUCATION IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Establishment of
school district
authorized.

Boundary.

SECTION 1. That the County Board of Education of Stokes County is hereby authorized and empowered to establish a new school district, partly in Meadows and partly in Yadkin townships, Stokes County, North Carolina, bounded as follows: Beginning at a point in the county line bounding Stokes and Forsyth counties, at Townfork Creek, about two miles west of Germanton; thence with said line west beyond N. S. Jones', just as far as to take in his residence; thence north to McKinley's Branch; thence down said branch to Townfork Creek; thence down said creek to the beginning; and that this school district shall have such care and advantage as other similar school districts have under the existing laws.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 370.

AN ACT TO FIX THE COMPENSATION OF THE COMMISSIONERS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Per diem.
Mileage.

SECTION 1. Each county commissioner of Caswell County shall receive for his service and expenses in attending the meetings of the board three dollars per day and mileage to and from the place of meeting, at the rate of five cents per mile.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 371.

AN ACT TO PROVIDE FOR A COURT STENOGRAPHER FOR WILKES COUNTY.

The General Assembly of North Carolina do enact:

Judge authorized
to direct em-
ployment.

SECTION 1. That any judge holding the Superior Courts of Wilkes County, whether regular or special terms, may in his discretion direct that a stenographer be employed for the term

over which he is to preside, whose duty it shall be to report the trial of all such cases as said judge shall direct to be reported.

SEC. 2. That said stenographer shall be paid such reasonable and just compensation, not exceeding five dollars (\$5) per day and necessary expenses, as may be agreed upon, the bill for such services to be approved by the judge holding the court. Pay of stenographer.

SEC. 3. That the Clerk of the Superior Court of Wilkes County shall tax in the bill of cost of every civil cause in the trial of which a stenographer's services are required two and one-half dollars (\$2.50) per day, or a part of a day, consumed in such trial, and one dollar (\$1) per day, or part of a day, for every criminal cause tried by a jury, and in which a stenographer's services are required, the amount so taxed to be collected in the same manner as other costs in the case are collected, and turned over by the clerk to the county treasurer. Fees taxed as costs.

SEC. 4. That the compensation of said stenographer shall be paid by the treasurer of the county, at or before the adjournment of the court for the term, the bill for such stenographer's services to be approved by the judge holding the term, and, properly receipted by said stenographer, to be a sufficient voucher in his hands for the amount so paid. Payment of stenographer.

SEC. 5. That this act shall apply only to Wilkes County.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 372.

AN ACT AUTHORIZING THE COUNTY BOARD OF EDUCATION OF HAYWOOD COUNTY TO SELL CERTAIN SCHOOL PROPERTY IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Haywood County is authorized and empowered, if they deem it right and proper to do so, to sell at public or private sale all of the school property in District Number Four, in Pigeon Township, that has been discontinued, and apply the proceeds of such sale to the use of Bethel Graded School: *Provided*, that the special tax for Bethel Graded School be voted by the qualified voters of said graded-school district. Sale authorized.
Application of proceeds.
Proviso: special tax to be voted.

SEC. 2. That the Board of Education of Haywood County and their successors in office are further authorized and empowered to appropriate out of the public-school funds that may be now or hereafter available the sum of five hundred dollars (\$500), and Appropriation authorized.

the same be paid to the Board of Trustees of Bethel Graded-school District for the purpose of equipping and maintaining said graded school.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 373.

AN ACT LIMITING THE TIME OF EXISTENCE OF THE HIGHWAY COMMISSION OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Limit of time.

SECTION 1. That the time for which the Highway Commission of Guilford County (created and existing by virtue of chapter one hundred and sixty-six of the Public Laws of one thousand nine hundred and three, and the amendments thereof) shall perform the duties and exercise the powers set forth in said acts shall cease and determine on the first day of June, one thousand nine hundred and ten, or sooner, if the proceeds of bond issue shall be expended; and all the powers conferred by virtue of said acts, or amendments thereof, upon said Highway Commission shall thereafter be vested in the said Board of County Commissioners of Guilford County.

Powers vested in county commissioners.

Funds to be turned in.

SEC. 2. That on the said first day of June, one thousand nine hundred and ten, or sooner, if there shall remain in the hands of the treasurer of said Guilford County Highway Commission any funds belonging to said highway commission, the same shall be paid by him to the Treasurer of Guilford County, to be used by the Board of Commissioners of Guilford County for the permanent improvement of the roads of said county.

Stock, machinery and other property to be turned over.

SEC. 3. That all stock, machinery, tools, fixtures, appliances, machines or property of any kind, of which the said highway commission may be possessed or which may belong to them and which shall remain undisposed of on June the first, one thousand nine hundred and ten, shall be transferred and delivered to the Board of Commissioners of Guilford County, to be by them used for permanent road improvement in said county, or sold and the proceeds of sale thereof used for such purpose.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 374.

AN ACT TO PROTECT THE FISH IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to shoot, trap, fish with hook and line, drag net, seine, or fish in any way or manner in the streams of Clay County into which California trout have been put or are hereafter put. California trout protected.

SEC. 2. That it shall be unlawful for any person or persons to fish in any of the streams in said county with seine, drag net, finger or fall trap, or in any manner otherwise than with hook and line. Fishing otherwise than with hook and line forbidden.

SEC. 3. That any person or persons fishing in any of the streams of said county and catching California trout shall return same immediately back into the stream out of which it was taken. California trout to be returned to stream.

SEC. 4. That it shall be the duty of the game warden for said county to obtain information from a reliable source into what streams said trout have been put, and publish the names of said streams in which it is unlawful to fish in a paper published in Clay County. Duty of game warden.

SEC. 5. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine not exceeding twenty-five dollars (\$25) or imprisoned not more than twenty days. Violation of act a misdemeanor. Punishment.

SEC. 6. That this act shall be in force only two years from and after its ratification. Term of act.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 375.

AN ACT TO CREATE BOLTON TOWNSHIP, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township, to be named and called Bolton Township, be and is hereby created in Columbus County, the boundaries of which township shall be as follows: Beginning at a point where the line of the center of the track of the Carolina Central Railroad Company, as now located, intersects the line dividing Columbus and Bladen counties, which said point of beginning is about one mile south and east from a station on the line of said railroad now known as East Arcadia; running thence from said point south no degrees and fifteen minutes east to the edge of the Great Green Swamp; thence the same course through Bolton township created. Bolton township created.

the Great Green Swamp to the dividing line between Columbus and Brunswick counties; thence with said dividing line between Columbus and Brunswick counties in a southwesterly course to the point where said line first intersects with the line of Lee's Township, in Columbus County; thence leaving the Brunswick County line and along the northern and eastern line of Lee's Township to the point where said line of Lee's Township first intersects with the line of Bogue Township, in Columbus County; thence along said line of Bogue Township to the Waccamaw Lake; thence around and with the eastern edge of said lake to the line of Waccamaw Township, in Columbus County; thence with said line of Waccamaw Township to the dividing line between Columbus and Bladen counties; thence with said dividing line to the point of beginning.

Powers, rights and privileges.

SEC. 2. That the said Bolton Township shall have all of the powers, rights and privileges now granted to townships by law.

Voting place.

SEC. 3. That the voting place in said township shall be the same as that now lawfully established for Bolton Precinct, in Ransom Township.

Justices of the peace.

SEC. 4. That the justices of the peace resident in the territory embraced in the new township hereby created shall continue justices of the peace in said new township until the expiration of their respective terms of office.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 376.

AN ACT AUTHORIZING THE COMMISSIONERS OF ONSLOW COUNTY TO ISSUE BONDS TO PAY THE PAST-DUE INTEREST ON THE BONDS ISSUED TO THE WILMINGTON, NEW BERN AND NORFOLK RAILROAD COMPANY, UNDER CHAPTER 233, LAWS OF 1885, AND ACTS AMENDATORY THEREOF.

The General Assembly of North Carolina do enact:

Purpose of issue.

SECTION 1. That for the purpose of paying the past-due coupons on the bonds issued by the county of Onslow to the Wilmington, New Bern and Norfolk Railroad Company, successors to the Wilmington, Onslow and East Carolina Railroad Company, under chapter two hundred and thirty-three of the Laws of one thousand eight hundred and eighty-five and acts amendatory thereof, the Board of Commissioners of Onslow County is hereby authorized and empowered to issue and sell five thousand dollars of

Bond issue authorized.
Amount.

negotiable coupon bonds, bearing interest at such rate as the Board of Commissioners of Onslow County may determine, not exceeding six (6) per centum, interest to be payable semiannually on the first days of April and October of each year; the said bonds to be of the denominations of not less than one hundred dollars nor more than one thousand dollars, the principal of the said bonds to mature ten years after date of issue, and the principal and interest shall be made payable at such place as the board of commissioners may determine. Said bonds shall be signed by the Chairman of the Board of Commissioners of Onslow County and countersigned by the Clerk of the Board of Commissioners of Onslow County, and the corporate seal of the said county shall be thereto affixed; the semiannual payments of interest to be represented by coupons attached to each of said bonds, and to be identified by proper numbers and by such other means as said board of commissioners may determine, and be signed in like manner with the 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 the said board shall sell the said bonds at public auction, notice of such sale shall be given in at least one newspaper published in New Hanover County, North Carolina, for thirty days prior to such sale.

SEC. 3. The proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the past-due coupons, now due on the bonds issued to the Wilmington, New Bern and Norfolk Railroad Company and the expenses incurred in the issuing of the said bonds, and the surplus, if any, to be paid into the fund belonging to the railroad-bond fund.

SEC. 4. 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 this State, and it shall be collected by the officers who collect the other county taxes, and who shall in respect thereto be liable to all the requirements of the law, as now prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

SEC. 5. That immediately upon the sale of the bonds, as herein provided, the Board of Commissioners of Onslow County shall call

Interest.

Denominations.

Maturity.

Authentication.

Bonds not to be sold below par.

Sale of bonds.

Specific appropriation of proceeds.

Special tax authorized.

Collection of tax.

Call and payment of outstanding coupons.

in all the outstanding due coupons on the said railroad bonds and pay the same out of the proceeds of said sale.

Responsibility of purchaser.

SEC. 6. That the purchaser or holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 377.

AN ACT TO REGULATE THE PAY OF JURORS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That the county commissioners of Polk County are hereby authorized and directed to pay all regular jurors summoned by their order one dollar and fifty cents per day and mileage, as now provided by law.

Tales jurors.

SEC. 2. That tales jurors shall receive one dollar and fifty cents per day, without mileage.

SEC. 3. That all laws and clauses of laws in conflict with this act, in so far as they relate to the county of Polk, are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 378.

AN ACT TO PROTECT FISH IN LAKE PHELPS, OR SCUPPERNONG, IN TYRRELL AND WASHINGTON COUNTIES.

The General Assembly of North Carolina do enact:

Pound, pod or dutch nets forbidden.

Limit on gill nets.

SECTION 1. That it shall be unlawful for any person, firm or corporation to set or in any manner fish with any pound, pod or dutch net of any kind, or to set or in any manner fish with any gill net more than one hundred yards long, or for any one person, firm or corporation to set or in any manner fish with more than one hundred yards of gill nets in the waters of Lake Phelps, or Scuppernong, in Tyrrell or Washington counties.

Violation of act a misdemeanor.

SEC. 2. That any person, firm or corporation violating section one of this act shall be guilty of a misdemeanor, and upon con-

viction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 379.

AN ACT TO AMEND CHAPTER 405 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and five of the Public Laws of one thousand nine hundred and three be and the same is hereby amended as follows: Strike out all of sections three and four of said act, and strike out in section five, line seven, all after the word "district." Sections stricken out.

SEC. 2. That hereafter the Board of Education of Cumberland County shall appoint two of the members of the school committee of said district, and the County Board of Education of Robeson County shall appoint one of the members of said board. Election of school committee.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 380.

AN ACT TO PROHIBIT THE KILLING OF DEER IN ATLANTIC TOWNSHIP, CURRITUCK 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 capture in any manner deer in Atlantic Township, Currituck County. Unlawful to hunt, kill or capture deer.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 381.

AN ACT TO REPEAL CHAPTER 702 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE SUPERIOR COURT OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 382.

AN ACT TO AMEND SECTION 1506 OF THE REVISAL OF 1905, IN RELATION TO THE SUPERIOR COURTS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Term for criminal cases.

Term for civil cases.

For civil and criminal cases.

When act effective.

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, in relation to the Superior Courts of Forsyth County, on page four hundred and fifty-three, Volume One, be amended as follows: Between the word "county" and the word "third," in the first line of the paragraph relating to the Superior Courts of Forsyth County, insert the following: "fifth Monday before the first Monday in March, for the trial of criminal cases exclusively." In line two of said paragraph, relating to the February term, strike out the word "criminal" and substitute therefor the word "civil." Strike out of chapter seven hundred and seventy-five of the Public Laws of North Carolina, session one thousand nine hundred and seven, amendatory to said paragraph of the Revisal relating to the Superior Courts of Forsyth County, at the end of section four of said chapter seven hundred and seventy-five, the following words: "for the trial of criminal and civil cases," and substitute therefor the following words: "the first week for the trial of criminal cases exclusively, and the second week for the trial of civil cases exclusively."

SEC. 2. That this act shall be in force from and after the first day of April, A. D. one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 383.

AN ACT PERMITTING THE COMMISSIONERS OF RICHMOND COUNTY TO DONATE LANDS FOR THE PURPOSE OF ERECTING A CONFEDERATE MONUMENT THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Richmond County be and they are hereby authorized and empowered to donate lands for the purpose of erecting a Confederate monument thereon. ^{Donation authorized.}

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 384.

AN ACT TO AMEND SECTION 2785 OF THE REVISAL OF 1905, RELATING TO PER DIEM OF COUNTY COMMISSIONERS OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and eighty-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "Currituck," in line six thereof, a comma and the word "Yancey." ^{Per diem.}

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 385.

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY TO DONATE LANDS FOR THE PURPOSE OF ERECTING A CONFEDERATE MONUMENT THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Jackson County be and they are hereby authorized and empowered to donate as much as may be necessary of the courthouse lot in Webster to the Daughters of the Confederacy for the purpose of erecting a Confederate monument thereon. ^{Donation authorized.}

Appropriation
authorized.

SEC. 2. That the county commissioners are further authorized and empowered to appropriate from the general fund of the county such amount as they may feel warranted in expending to aid in the erection of said monument.

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

Ratified this the 26th day of February. A. D. 1909.

CHAPTER 386.

AN ACT TO ESTABLISH A SPECIAL COURT FOR ROWAN COUNTY, WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS ROWAN COUNTY COURT.

The General Assembly of North Carolina do enact:

Inferior court
established.

SECTION 1. That an inferior court, with civil and criminal jurisdiction, as hereinafter prescribed, to be known as Rowan County Court, is hereby established.

Jurisdiction.

SEC. 2. Said court shall have jurisdiction in civil actions and proceedings as follows:

Concurrent juris-
diction with
magistrates.

(1) Concurrent jurisdiction with justices of the peace in all civil actions, matters and proceedings which are now or may hereafter be given to justices of the peace of Rowan County.

Concurrent juris-
diction with
superior court.

(2) Concurrent jurisdiction with the Superior Court of Rowan County in all civil actions, matters and proceedings founded on contract, wherein the sum demanded shall not exceed five hundred dollars and wherein the title to real estate shall not be in controversy.

Actions founded
on tort.

(3) Concurrent jurisdiction with the Superior Court of Rowan County in all civil actions, matters and proceedings founded on tort, wherein the sum demanded or the value of the personal property in controversy does not exceed three hundred dollars and wherein the title to real estate shall not be in controversy.

Attachment and
claim and delivery
proceedings.

(4) Concurrent jurisdiction with justices of the peace and with the Superior Court in attachment and claim and delivery proceedings, wherein the sum demanded or the value of the property claimed is within the jurisdiction of the court, as defined herein.

Jurisdiction in
criminal actions.

SEC. 3. Said court shall have jurisdiction in criminal actions and proceedings as follows:

Concurrent with
justices of the
peace.

(1) Concurrent jurisdiction with justices of the peace in all criminal actions, matters and proceedings arising from criminal offenses committed within the limits of Rowan County.

Violations of
ordinances.

(2) Exclusive original jurisdiction of all offenses and misdemeanors consisting of a violation of any ordinance of the city of Salisbury, and all criminal actions, matters and proceedings cognizable before the Mayor of Salisbury.

(3) Exclusive original jurisdiction of all other criminal offenses committed within the county of Rowan below the grade of felony, as now defined by law; and all such offenses committed within Rowan County are hereby declared to be petty misdemeanors: *Provided*, that nothing in this act shall prevent the Superior Court of Rowan County from assuming jurisdiction of all offenses whereof exclusive original jurisdiction is given to said Rowan County Court, if within twelve months after the commission of the offense said Rowan County Court shall not have proceeded to take official cognizance of the same.

Other criminal offenses.

Proviso: jurisdiction of superior court.

(4) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following-named offenses, whether such offenses be covered by the preceding sections of this act or not, to-wit: Larceny or receiving stolen goods knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from the dwelling by breaking and entering in the daytime; forcible trespass; false pretense. All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

Jurisdiction of enumerated offenses.

(5) In all criminal offenses committed in Rowan County, whereof original jurisdiction is not given to said court, it shall have jurisdiction, and is hereby fully authorized to examine into the same and, upon probable cause being shown, bind the defendant to the Superior Court of Rowan County, or, if capital, to commit him to jail, as now provided by law for courts of justices of the peace.

Jurisdiction as court of inquiry.

SEC. 4. Said court shall have jurisdiction to try all actions for the recovery of any forfeited bond made returnable to said court, and for recovery of any penalty imposed by law, with the power to dispose of the same, as now provided by law.

Jurisdiction as to forfeited bonds and penalties.

SEC. 5. The justices of the peace and the Clerk of the Superior Court of Rowan County are hereby authorized to issue processes, both civil and criminal, and make the same returnable before the Rowan County Court for trial. The mayor of the city of Salisbury and the mayor of any of the incorporated towns of Rowan County may issue warrants and other criminal processes and make the same returnable for trial to Rowan County Court. All warrants shall be issued upon affidavit and made returnable forthwith. Summons and other civil processes shall be made returnable in not less than ten nor more than thirty days from the issuance thereof. If one or more of the defendants be a nonresident of Rowan County the summons shall be returnable in not less than fifteen days from the issuance thereof. The precepts and processes of said court may be issued to the sheriff or other lawful officer of Rowan County, to any constable thereof, and to the police officers of the city of Salisbury or any incorporated town in Rowan County, in such cases as they are now authorized by law to serve

Process made returnable to court.

Issue and return of warrants.

Return of civil process.

Issue of process.

- Process to other counties. . . processes; and when given under the seal of said court the precepts and processes may be issued and directed to the sheriff or other lawful officer of any county in the State of North Carolina and be executed anywhere in the bounds of the State. Such officers shall serve the processes and precepts as now required by law.
- Service by publication. Service by publication may be made under the rules now provided for service by publication in the Superior Courts.
- Recognizance to court. SEC. 6. In all actions heard by the justices of the peace and other examining magistrates of Rowan County in respect to any offense whereof Rowan County has exclusive original jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a suitable recognizance, with sufficient surety, to appear before the Rowan County Court for trial on a specified day, and within ten days from such preliminary examination, in default of such recognizance such person or persons shall be committed to Rowan County jail until the trial.
- Sessions of court. SEC. 7. Rowan County Court shall be open at all times for the dispatch of business; and the trial justices, if the business requires it, shall hold daily sessions at the courthouse, city hall or other suitable place in the city of Salisbury, North Carolina.
- Pleadings. SEC. 8. The pleadings in civil cases within the jurisdiction of a justice of the peace may be oral or written, but in all other civil cases the pleadings shall be written. The trial justice, in his discretion, may require written pleadings in all cases. In all civil cases where the pleadings are required to be written the complaint shall be filed at least five days before the return day, and the answer shall be filed on or before the day for trial.
- Executions and transcripts of judgments. SEC. 9. Judgments of said court may be enforced by execution issued therefrom, and transcripts of the same may be docketed in the Superior Court of Rowan County and become judgments of the Superior Court, as now provided for executions and transcripts of judgments from courts of justices of the peace.
- Punishments on conviction. SEC. 10. Any person convicted in said court of any offense shall pay all the costs of prosecution and be fined or imprisoned, or both, according to law; and when the punishment imposed is imprisonment and costs it shall be lawful for the trial justice to sentence the defendant to the common jail of Rowan County, to be worked on the public roads of said county until such sentence is served.
- Appeals to superior court. SEC. 11. In all cases there shall be the right of appeal from the judgment of said court by the defendant in criminal actions, and either plaintiff or defendant in civil actions, to the Superior Court of Rowan County, and upon such appeal the trial in the Superior Court shall be *de novo*. Proceedings on appeal, appearance bonds and undertakings to stay execution shall conform to the procedure now obtaining in courts of justices of the peace, as far as practical.
- Trial de novo. Proceedings on appeal.

SEC. 12. As a fee for issuing any warrant, summons or other original process returnable to Rowan County for trial the officer shall be entitled to fifty cents. Witnesses shall be entitled to fifty cents per day and mileage, at five cents per mile each way, but only such witnesses shall be allowed to prove as are now allowed to prove in the Superior Court. In each action, civil or criminal, within the jurisdiction of the justices of the peace, a fee of one dollar, and in all other actions a fee of two dollars shall be taxed and collected as other costs for trial and judgment, and paid to Rowan County. The prosecuting attorney shall be entitled to a fee of one dollar for each person convicted of an offense within the jurisdiction of the justices of the peace, and for other offenses two dollars for each person convicted. Except as above provided, the respective officers shall be entitled to the same fees in Rowan County Court as now allowed by law in the Superior Court: *Provided*, that the police officers of the city of Salisbury shall be allowed the same fees as sheriffs or constables, the same to be paid into the treasury of the city of Salisbury. The jail fees of any prisoner held in custody by the city of Salisbury shall be taxed as a part of the cost, as provided by law, and paid into the treasury of the city of Salisbury. Costs in all actions, civil and criminal, in Rowan County Court shall be payable and collectible as now provided by law. The trial justice shall have full power as to taxing bill of costs and the respective items thereof, under the practice now obtaining in the Superior Court in respect to such matters.

Fees of officers

Witness fees.

Tax fees to use of county.

Fees of prosecuting officer.

Other fees.

Proviso: fees of police officers.

Jail fees.

Costs.

Costs taxed by trial justice.

SEC. 13. In all criminal actions which are not violations of any town ordinance, and of which a justice of the peace has not final jurisdiction, and in which the party is convicted and imprisoned or put on the county roads, and from whom no costs are collected, the county shall pay one-half the cost, as now provided by law, but in no case shall the county be liable for any fees or costs going to the prosecuting attorney provided for in this act.

Half fees to officers

SEC. 14. All fines collected in Rowan County Court shall be paid into the treasury of Rowan County. The expenses of said court, except as otherwise provided, shall be paid monthly by Rowan County.

Fines to use of county.
Expense of court.

SEC. 15. That B. B. Miller, of Salisbury, North Carolina, shall be and is hereby named as trial justice of this, the said Rowan County Court, for the term beginning April fifth, one thousand nine hundred and nine, and ending the first Monday in December, one thousand nine hundred and ten; and that Kerr Craig, of Salisbury, North Carolina, shall be prosecuting attorney for the said Rowan County Court from April fifth, one thousand nine hundred and nine, to the first Monday in December, one thousand nine hundred and ten.

Trial justice.

Term.

Prosecuting attorney.

Term.

Dockets, files and records	SEC. 16. There shall be dockets, files and records of all proceedings in said court, conforming as nearly as possible to the records of the proceedings in the Superior Courts; and the Clerk of the Superior Court of Rowan County shall, <i>ex officio</i> , perform duties and receive emoluments in the Rowan County Court similar to the duties performed and emoluments received in the Superior Court.
Clerk.	
Trial justice.	SEC. 17. Said court shall be presided over by a trial justice, who shall be learned in law, of good moral character, and who shall be at the time of his election and qualification an elector in and for Rowan County. Said trial justice shall be elected by the people of said county at the same time and in the same manner as other county officers are elected. He shall hold office for two years and until his successor is elected and qualified, but he shall not be eligible for two terms in succession. His first full term shall begin on the first Monday in December, one thousand nine hundred and ten. His appointment for the term between the date when this act goes into effect and the said first Monday in December, one thousand nine hundred and ten, shall be as hereinafter provided. Before entering upon the duties of his office he shall take and subscribe an oath of office, as is now provided by law for Judges of the Superior Court, and shall file the same with the Clerk of the Superior Court of Rowan County, and said clerk shall duly record the same. Said trial justice shall receive a salary of one thousand dollars per year, payable in equal monthly installments by Rowan County.
Election of trial justice.	
Term of office.	
Oath of office.	
Salary.	
Justice may practice in other courts.	SEC. 18. The said trial justice shall not by reason of his office be prohibited from practicing the profession of an attorney at law in the other courts of this State, except as to matters connected with or growing out of said county court.
Substitute.	SEC. 19. When the trial justice is unable to preside over said court, on account of sickness, absence or other cause, said trial justice shall appoint some other person learned in law, with the same qualifications as provided for the trial justice, to act as substitute trial justice, with all the powers and duties of the trial justice. The compensation of said substitute trial justice shall be paid by the trial justice.
Compensation of substitute.	
Prosecuting attorney. Qualifications, election and term. Duty.	SEC. 20. In addition to the officers above provided, there shall be a prosecuting attorney for said Rowan County Court, whose qualifications, election and term of office shall be the same as provided for the trial justice. It shall be the duty of the said prosecuting attorney to see that warrants, subpoenas and other processes are issued for the proper apprehension and trial of all violators of the law in Rowan County, and to represent the State of North Carolina in the trial of all criminal actions brought before said court and faithfully and diligently prosecute the same.
Vacancies.	SEC. 21. Any vacancy occurring in the office of trial justice or prosecuting attorney shall be filled by the Governor of North Carolina.

SEC. 22. All cases pending in the Superior Court, in the courts of justices of the peace or other courts of Rowan County on the first Monday in April, one thousand nine hundred and nine, shall be tried in that court where pending, and not transferred to Rowan County Court for trial. Cases pending.

SEC. 23. The procedure in Rowan County Court, except that hereinbefore provided, shall follow the rules and principles laid down in the chapter on criminal procedure and the chapter on civil procedure in the Revisal of one thousand nine hundred and five, and amendments thereto, in so far as same may be adapted to the needs and requirements of said court. Procedure.

SEC. 24. The first session of said Rowan County Court shall be held on the first Monday in April, one thousand nine hundred and nine, and other sessions as provided in this act. First session of court.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 387.

AN ACT PROVIDING FOR THE LAYING OUT AND THE WORKING OF THE PUBLIC ROADS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all roads in the county of Guilford that have heretofore been laid out by virtue of any act of Assembly or any order of court shall be under the supervision and control of the board of commissioners of said county. Roads under supervision and control of county commissioners.

SEC. 2. The said board shall have full power and authority to order the laying out and repairing of all public roads where necessary to open new roads, to widen and straighten old roads and repair the same, to appoint where bridges and fords shall be made, to discontinue old roads when found useless, and to alter roads so as to make them more useful. Power and authority of commissioners.

SEC. 3. Every public road hereafter laid out in said county shall be such width as shall be ordered by the board of county commissioners, and under the direction of said board shall be laid out by the county surveyor or some other competent surveyor or engineer. Roads hereafter laid out.

SEC. 4. The said board of commissioners shall not order the laying out of any public road or the discontinuance of the same unless upon petition in writing, and unless notice of said petition has been given by an advertisement in some newspaper published in said county for twenty days. Upon the filing of said petition with the board it shall be continued until the next succeeding Roads laid out or discontinued on petition. Notice of petition. Hearing on petition.

regular meeting of the board, at which meeting the board shall hear the allegations set forth in the petition, and if sufficient reason be shown they may order the laying out or discontinuance of said road.

Entry upon lands for construction, change or repair of roads.

Procedure for assessment of damages.

Proviso: right of appeal.

Township superintendents of roads.
Duty.

Entry on land for material.

Drains or ditches.

SEC. 5. That in opening new roads, widening, altering or straightening old roads and repairing the same, the county commissioners, through their agents, are hereby authorized to enter upon any lands within the county and to build, widen, alter, straighten or repair said roads; and if the said commissioners and the owners of the said land cannot agree as to the damages, if any, then the county commissioners shall, within sixty days after said road is completed, order the sheriff of said county to have summoned five disinterested freeholders, who shall, after notice given to the owner of said land, go upon the premises and, after being sworn to view said premises and faithfully perform their duty as assessors, assess such damages and benefits as they shall ascertain has been caused by the opening of said new road or the widening, altering, straightening or repairing of said old roads; and said persons shall at the next regular meeting of said board of commissioners file their report, in writing, which shall be spread upon the minutes of said board, and upon the confirmation of said report by said board said amount so assessed, if any, shall be paid to the said landowner, and all damages so assessed shall be paid by the petitioners who asked for the opening of said road: *Provided*, that said landowner or said petitioner shall have the right to appeal to the Superior Court of Guilford County from the assessment of damages contained in said report by filing notice of such appeal within ten days from the confirmation of said report by said board, and upon paying the clerk of said board such reasonable sum for making up the transcript of said appeal as shall be fixed by said board.

SEC. 6. That said board shall select and employ some competent man in each township in said county to act as superintendent of roads and bridges for said township, whose duty it shall be, under the direction of said board, to superintend the laying out of new roads and opening the same, the altering, widening, straightening or repairing of old roads, and cause to be removed all obstructions from the same; and for these purposes the said superintendent 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 or stone which may be necessary to make, improve or repair said road, and to enter upon any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will

permit; and the drains and ditches so made shall be conducted toward the nearest water course, and shall be kept open by said superintendent and shall not be obstructed by the owner or occupier of such lands or any other person or persons, and any person so obstructing drains and ditches, as aforesaid, shall be guilty of a misdemeanor and upon conviction fined not exceeding ten dollars (\$10) or imprisoned not exceeding ten days, to be paid over to the county commissioners and to be applied to the road fund of the county.

Obstructing
drains or ditches
a misdemeanor.
Punishment.

SEC. 7. Each and every superintendent who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road, bridge, or crossway in his township shall, on the demand of the owner of the lands, his agent or agents, or the guardian of any ward or the executor or administrator having lands in charge from which timber, stone or gravel were taken as aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof, respectively, and the time and purpose for which the same were taken.

Certificates for
material taken.

SEC. 8. Any person or persons who shall receive a certificate as provided for in the foregoing section shall present the same to the county commissioners at any regular session of said commissioners within six months after the taking and carrying away of such timber, stone or gravel, and the commissioners, being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury, but if not so satisfied they shall determine what sum in their opinion would be just, if any.

Presentation and
payment of cer-
tificates.

SEC. 9. Each superintendent shall receive for his services such amount, not exceeding two dollars per day for the time actually employed in the performance of the duties herein specified, as shall be fixed by said board, and the terms of his employment shall be at the pleasure of said board, who may discharge him at any time.

Pay of super-
intendent.

SEC. 10. All able-bodied male persons and all male persons able to perform or cause to be performed the labor herein required, residing in the county and between the ages of twenty-one and fifty years, except persons disabled or in the military service of this State, and all persons actually engaged in the ministry of the gospel, shall be liable annually to do and perform six days' labor on the public roads of said county, under the direction of the superintendent of the township in which he shall reside: *Provided*, that if any such person shall pay to the superintendent in whose township he may reside the sum of seventy-five cents for each day he shall be required to work, the same shall be received in lieu of said work and shall be applied by the superintendent receiving the same to the improvement of the roads in his township.

Term of employ-
ment.

Persons subject
to road duty.

Road duty.

Proviso: com-
mutation.

Superintendent
to warn hands.

SEC. 11. It shall be the duty of the superintendent of each township to order out every such person resident as aforesaid to do and perform the work aforesaid on the public roads of his township; and if any such person, being personally warned by such superintendent or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, except in cases of emergency, then immediate notice to attend, or having attended, shall refuse to obey the directions of the superintendent, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall also be guilty of a misdemeanor, and upon conviction fined not exceeding five dollars or imprisoned not exceeding five days; all fines collected under this provision to be paid over to the county commissioners and used for the purpose of roads.

Forfeit for failure
to attend.
Misdemeanor.
Punishment.
Fines to use of
road fund.

Removals.

SEC. 12. In case any person shall remove from one township to another, who has prior to such removal performed the whole or any part of the labor aforesaid during the year of removal, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the superintendent of the township from which he removed, such certificate shall be a complete discharge for the amount of labor or money therein specified, or in case of removal from any other county to this county he shall be credited with the amount of work performed in such other county for that year.

Tools and imple-
ments.

SEC. 13. Any person called upon to perform labor upon the public roads under any provision of this act shall appear at the place appointed by the superintendent at such hour as said superintendent shall designate in the forenoon, with such necessary tools and implements as said superintendent shall designate.

Residence defined.

SEC. 14. For the purposes provided for in the preceding sections of this act, the residence of any person who has a family shall be held to be where his family reside, and the residence of any other person shall be held to be where he boards in any township in said county.

Monthly reports
of superintend-
ents.

SEC. 15. The several superintendents are hereby required to account to the board of commissioners monthly for all moneys received or expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective townships who have been ordered out to perform the six days' labor as required by this act, and of those who have refused or neglected to perform the same, and those liable for same.

Footbridges.

SEC. 16. The superintendents of roads are authorized to construct footbridges over streams of water on public roads in the county.

Guideboards.

SEC. 17. Each superintendent within his township shall erect and keep up at the expense of the county at the forks or cross-

roads of every county road where necessary a post and guide-board, or "finger-board," containing an inscription in legible letters directing the way and distance to the nearest town or towns or public place or places situated on each road, respectively.

SEC. 18. If any person shall willfully demolish, throw down, alter or deface any guideboard, every person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county be fined not exceeding ten dollars, to be paid to the county commissioners for road purposes.

SEC. 19. No superintendent shall perform or cause to be performed labor on any road not regularly laid out and established as a public road according to law.

SEC. 20. When the superintendent of roads of the township shall not be able to personally notify persons liable to work the public roads of the day appointed for working the same, he shall leave at the house of such person a written notice specifying the day on which such person is required to attend and the place to meet, the road to be worked and the kind of tool or tools to be brought or used, and the said written summons left as aforesaid shall be deemed sufficient notice to the person required to be notified.

SEC. 21. No person between the ages prescribed shall be exempt from working upon the public roads, except such as are exempt in section ten or such as may be exempt by the board of commissioners on account of personal infirmity, of which the said board shall be the sole judge.

SEC. 22. It shall be the duty of every owner of a water mill which is situated on any public road in said county, and also of every person who for the purpose of draining his lands or for any other purpose shall construct, subject to the approval of the township superintendent, 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 milldam immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the public road, as long as they may be needed by reason of the continuance of said mill or milldam, ditch, drain or canal.

SEC. 23. Whenever any ditch or drain is cut in such way as to turn water into any public road, the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road.

SEC. 24. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its roadbed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad company, being warned by the superintendent of roads of the township by leaving a written notice with any agent, shall refuse or neglect to remedy the same

Injury to guide-boards a misdemeanor.
Punishment.

Labor limited to public roads.

Written warning.

Exemptions from road work.

Bridges over drains across roads.

Drains discharging on road.

Obstructions by railroad companies.

Misdemeanor.
Punishment.
Additional
offenses.

Fines to use of
road fund.

Roadbeds to be
constructed and
repaired by rail-
road companies.

Misdemeanor.
Punishment.
Additional
offense.

Convicts to be
sentenced to
road work.

Courts of cities
to sentence con-
victs to roads.

Civil engineer.

Overseers and
guards.

to the acceptance of said superintendent, it shall be guilty of a misdemeanor, and upon conviction fined a sum not exceeding fifty nor less than twenty dollars; and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this section; all fines collected under this provision to be paid to county commissioners and applied to road fund.

SEC. 25. It shall be the duty of the superintendent of each township to cause each railroad company to construct and keep in good repair the roadbed of all public roads across the roadbed of said company; and if any railroad company, being duly notified by the said superintendent by leaving a written notice with any station agent, shall neglect or refuse to construct or repair said roadbed to the acceptance of said superintendent, it shall be guilty of a misdemeanor and shall be fined a sum not exceeding fifty nor less than twenty dollars; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said roadbed shall be deemed an additional offense against the provisions of this section.

SEC. 26. That the judges holding the Superior Court of said county and the judges of any criminal court held therein shall sentence to a term of imprisonment in the county jail, and to be worked upon the public roads of said county, under the control and keeping of said board of commissioners and their agents and employees, all persons convicted in said courts who by the judgment thereof shall be punished by imprisonment or committed in default of paying costs and fines, or either, except such as shall be convicted of murder, manslaughter, rape or arson, and except such other convicts as the said judges may in their discretion deem advisable to send to the State penitentiary, as now provided by law: *Provided*, that nothing herein contained shall prohibit or in any way restrict the said judges from suspending judgment or imposing fines, only in such cases as to them shall appear right and proper.

SEC. 27. That the courts held in the cities of High Point and Greensboro or any other incorporated town in the county, and the justices of the peace in said county, are hereby authorized and empowered to sentence to a term of imprisonment in the county jail, to be worked on the said roads, as herein provided for convicts of the superior and criminal courts, all such persons as they shall try and convict of offenses of which they have final jurisdiction, and also all persons, including those charged under bastardy proceedings, who may be by them sentenced to imprisonment for failure to pay fines and costs, or either.

SEC. 28. That the said board of commissioners shall have power to employ a competent civil engineer to lay out new roads and direct the manner in which any others may be improved, changed or repaired, and also to employ all such overseers and guards as by

them shall be deemed needful, with power to discharge any of them at any time, without being subjected to action therefor at the instance of such person discharged; and all such engineers, overseers and guards shall be paid, out of the taxes raised for road purposes, such compensation as shall be agreed upon by and between such persons so employed and said board of commissioners.

SEC. 29. That in the event any person shall be adjudged to work upon the public roads, under the provisions of this act, for failure to pay costs and fines, or either, the sentence of said person shall be changed by the said judge or city courts or justice of the peace to a definite term of imprisonment: *Provided*, that the county of Guilford shall in no way be responsible for the payment of the fine, and shall only have such cost taxed against it as could have been taxed if the person had originally been sentenced to a definite term of imprisonment.

Imprisonment
for nonpayment
of fines or costs.

Provido: responsi-
bility of county.

SEC. 30. That chapter five hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed.

SEC. 31. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 388.

AN ACT TO PROTECT THE PUBLIC ROADS AND BRIDGES IN CLAY AND RUTHERFORD COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, firm or corporation operating or running a road engine or traction engine, or moving or causing to be moved or hauled any engine or boiler or other heavy machine or machinery, who shall damage any road or bridge in the counties of Clay and Rutherford, shall repair such road or bridge and place same in as good condition as it was before such damage.

Persons charged
with repairs to
roads or bridges.

SEC. 2. That in the event such person, firm or corporation shall fail or neglect for two days, after being notified, to repair such road or bridge, or make no preparation to repair the same, the road overseer of the township or section in which such road or bridge is located shall repair the same, and the cost of such repairing may be collected from said person, firm or corporation in a suit to be instituted by the board of county commissioners of said counties.

Repairs by county
at cost of person
charged.

Enforcement of
collection.

Failure to repair
or pay for repairs
a misdemeanor.

Punishment.

SEC. 3. That any person, firm or corporation, after being notified by said road overseer, who shall fail or neglect for two days to repair said road or bridge, and then willfully refuse or neglect to pay said road overseer for repairing said road or bridge, 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 and pay cost for repairing same.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 389.

AN ACT TO PROVIDE DIPHTHERIA ANTITOXIN FOR INDIGENT PERSONS SICK OF DIPHTHERIA.

The General Assembly of North Carolina do enact:

State board of
health to arrange
for supply.

SECTION 1. That the North Carolina Board of Health is hereby authorized and directed to arrange for a sufficient supply of diphtheria antitoxin for the treatment therewith, free of charge, of indigent persons sick of diphtheria, and for immunizing against infection such indigent persons as may be exposed to the disease, and to extend the facilities for making the diagnosis of the disease.

Keeping and distribution of antitoxin.

SEC. 2. That the said board of health shall keep on hand in the State Laboratory of Hygiene a supply of reliable diphtheria antitoxin, and shall distribute, through the said laboratory, to the several counties of the State, whenever the boards of county commissioners thereof shall request it, and shall notify the Secretary of the State Board of Health that they will pay for the same upon presentation of a bill, and shall designate the person or persons with whom it shall be deposited. The antitoxin shall be furnished at the lowest figure obtainable for a reliable preparation.

Requisitions by
physicians.

SEC. 3. That whenever a physician is called to a case of diphtheria in an indigent person or one in immediate need and unable to pay for antitoxin, he may obtain the same from one of the depositories or diphtheria stations by filling out and signing in duplicate the blank requisition form to be supplied with the antitoxin by the said board of health, and presenting the same to the county superintendent of health or any member of the county sanitary committee, or to such person as the said county sanitary committee may appoint, who, after satisfying himself as to the indigency of the person or persons for whom the antitoxin is intended, shall approve and countersign in duplicate the requisition. The person dispensing the antitoxin shall retain one copy of the

requisition and shall mail the duplicate promptly to the director of the laboratory of hygiene. He shall also return to the said director all packages of antitoxin in his possession as soon as they become out of date. Return of anti-toxin.

SEC. 4. The provisions of this act shall apply to cities and towns upon the same conditions as it does to counties. Cities and towns.

SEC. 5. That for carrying out the provisions of this act the sum of five hundred dollars annually is hereby appropriated. Appropriation.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 390.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF NORTHAMPTON COUNTY AND TO LEVY A SPECIAL TAX THEREFOR, AND TO REPEAL CHAPTER 538 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and thirty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed. Law repealed.

SEC. 2. That for the purpose of constructing, repairing and improving and maintaining the public roads in Northampton County there shall be a special board of three members, who shall be known as the "board of road commissioners" for said county, which board shall have the entire supervision and jurisdiction of all the public roads of said county, and succeed to and exercise all the powers and duties heretofore exercised by and imposed upon the board of county commissioners and justices of the peace in reference to the establishment, alteration or discontinuance of all public and private roads, cartways and other thoroughfares. Board of road commissioners.
Powers and duties.

SEC. 3. That L. L. Taylor, M. R. Stephenson and R. B. Boyce 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 ten, and until their successors are duly elected and qualified, a majority of whom shall constitute a quorum. Commissioners named.
Term of office.
Quorum.

SEC. 4. That at the regular election in November, one thousand nine hundred and ten, and every two years thereafter, at the regular elections, the members of said board of road commissioners shall be elected under the same rules and regulations as are or shall be prescribed for the election of other county officers. Election of successors.

Commissioners to qualify.	SEC. 5. 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 three above; and
Vacancies.	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, and said appointee, upon his qualification within a reasonable time, shall fill the unexpired term.
Board named to qualify.	SEC. 6. That the members of said board named in section three above shall qualify on or before the first Monday in May, one thousand nine hundred and ten, and they shall meet in Jackson on or before the first Monday in June, one thousand nine hundred and ten, and organize by electing one of their number as chairman
Meeting and organization.	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 inspection of the citizens of the county at reasonable times. The compensation of the secretary shall not exceed two dollars (\$2) per day for every day on which said board shall meet. The compensation of the members of said board shall be three dollars (\$3) per day and mileage, at five cents a mile. Said board shall meet quarterly, on the first Mondays in December, March, June and September, and oftener if necessary or important, upon a call of the chairman or of any member, if requested by a majority of the members; and said board is authorized to purchase literature on the subject of roads, not to cost more than twenty-five dollars (\$25). At all of their meetings, which shall be held in Jackson, they shall be authorized to transact any business and duties with reference to the roads of the county or within their jurisdiction.
Duty of secretary.	
Compensation of secretary.	
Compensation of commissioners.	
Quarterly meetings.	
Called meetings.	
Road literature.	
Commissioners to fix rate of road tax.	SEC. 7. At or before their meeting in June of each year said board of road commissioners shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies for the proper working and improving and establishing the public roads in said county, and to pay all the expenses thereof, and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls of said county for the purposes of raising said amount, which rate shall not be less than ten (10) cents on the one hundred dollars (\$100) valuation of real and personal property nor more than twenty (20) cents on the one hundred dollars (\$100) thereof, and not less than thirty (30) cents nor more than sixty (60) cents on the poll for any year; and said board of road commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said county on or before their June meeting in each and every year, and it shall be the duty of
Limits.	
Report of rate to county commissioners.	

said board of county commissioners, at their meeting in June (or at such time as may be fixed by law), to levy a special tax, as determined by said board of road commissioners, but the rate shall be in the discretion of the board of county commissioners. Said taxes shall be collected as other taxes are collected, and shall be kept separate by the county treasurer and paid out by him only upon proper orders of the board of road commissioners. Such taxes shall be levied upon and collected out of the property and polls, whether in incorporated towns or otherwise.

SEC. 8. One-half of the net proceeds of all dispensaries now established or hereafter to be established in Northampton County shall be paid to the treasurer of said county for the use and benefit of the road fund, and shall be paid out by said treasurer only upon the proper order of the board of road commissioners. The treasurers of the different towns having dispensaries shall pay over to the county treasurer the amounts due to said road fund which may be in his hands, at least as often as every six months. The said treasurers and other officers shall receive the same fees and commissions for receiving, collecting and disbursing any and all taxes and moneys as they are entitled to in other like cases.

SEC. 9. That after January first, one thousand nine hundred and nine, every able-bodied male person between the ages of twenty-one (21) and forty-five (45) years residing in said county shall be liable annually to perform three days' labor upon the roads of said county, under the supervision and direction of the road supervisor, overseer or other officer appointed by the board of road commissioners, who may assign such 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 such person shall be discharged from such labor for one year upon the payment to the proper officer of the sum of one dollar (\$1) per annum in lieu thereof: *Provided*, that such sum shall be paid on or before the first day of March of said year.

SEC. 10. All persons who shall be liable to pay poll tax, and who fail to pay the same, shall be liable and compellable to work four days on the said roads, under the direction and control of the road supervisor or officer in his township.

SEC. 11. That the judges of the superior and criminal courts of this State are hereby authorized and empowered to sentence convicts in said county or in other counties to work upon the public roads in Northampton County; and all the justices of the peace and mayors of towns of said county are hereby authorized and empowered to sentence persons tried before them and found guilty of violating the criminal law within their jurisdiction, or of vagrancy, to sentence said persons so convicted to work upon the said public roads: *Provided*, that no person shall be required to work for a longer time than that for which he could have been

Levy of road tax.
Collection of taxes

Proceeds of dispensaries.

Fees of officers.

Persons subject to road duty.

Road duty.

Proviso: commutation.

Proviso: time for payment.

Road work in payment of poll tax.

Convicts to be sentenced to road work.

Proviso: limit of imprisonment.

Proviso: allowance for good behavior.

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.

Care and safe-keeping of convicts.

SEC. 12. That the board of road commissioners shall be authorized to provide proper quarters for convicts and to employ suitable guards and overseers, and to provide means for their safe-keeping and control, out of the road funds.

County road fund.

SEC. 13. That the taxes and other revenues raised under this act or under any law shall constitute a general road fund for the construction and improvement of the roads and bridges of said county and for the purchase and maintenance of tools, machinery, teams and other supplies or equipments for the better prosecution of the work, and shall be expended according to the judgment and discretion of the board of road commissioners; and said board shall, as often as they deem necessary, issue warrants or orders upon the county treasurer directing him to pay to the supervisor or other officer of roads the amount therein specified for the purpose of carrying on the provisions of this act: *Provided, however*, that at least seventy-five (75) per cent of the net proceeds of the taxes paid on the property and polls shall be expended on the improvement of the roads and bridges of the township from which the same was collected.

County supervisor.

SEC. 14. That said board of road commissioners, on the first Monday in December or on the first Monday in March of each year, shall elect a county supervisor of roads, at a salary to be fixed by said board, and who shall be required to give bond, payable to the county, in a sum to be fixed and approved by said board, for the faithful and honest performance of his duties, which bond shall be filed and recorded. It shall be the duty of said county supervisor, subject to the approval of said board, to supervise, direct and have charge of the maintenance of the roads of the county and of the teams, tools, machinery, etc., for their

Salary and bond.

Duty of county supervisor.

working. Any part of said work may be done by contract, if deemed best by said supervisor and approved by said board. Said supervisor shall see that all work on said roads is promptly, properly and economically done. He shall make quarterly reports, in writing, to said board, giving the condition of all the principal roads of the county, suggesting and recommending methods and means of improvement and the probable costs thereof, besides embracing the matters required by section sixteen of this chapter, which written reports and recommendations shall be filed with the clerk of the board; and the board shall provide money for any work which they may regard necessary. Said supervisor shall hold his office until his successor is elected and qualified. The board of road commissioners shall, on either the first Monday in December or the first Monday in March of each year, elect and

Work by contract.

Quarterly reports.

Term of supervisor.
Township supervisors.

appoint one efficient man in each township, who shall be a supervisor for his respective township, and each of said township supervisors may be required to give bond for the faithful performance of the duties of his office, payable to said county, which bonds shall be filed and recorded as provided for county supervisors' bonds. Said township supervisor shall hold his office until his successor is elected and qualified. In the appointment of said township supervisors the board may ask and consider the recommendations of the county supervisor. The board may appoint more than one supervisor for any township if they deem it for the best interest to do so. The township supervisors shall cause all necessary or emergency work to be done in their respective townships, either by contract or other most efficient and economical methods, in the absence of the county supervisor; and they may do, direct or have done any other work on the roads of their respective townships, under the direction or authority of the county supervisor, to be approved by the board of road commissioners, or by authority and direction of said board. Said township supervisor shall attend the meetings of the board of road commissioners at their sessions in March and December of each year, and each shall make a written report to said board of the conditions of the roads of his township, and suggest and recommend methods and means for improvement of same, besides rendering an itemized statement, as prescribed in section fifteen of said chapter, which reports shall be filed with the clerk of the board. The board may require any of said supervisors to report oftener if they deem it best. The board of road commissioners may appoint the county and township supervisors at some meeting later than the first Monday in March, in the year one thousand nine hundred and nine. The salaries of the different township supervisors shall be fixed by said board, based upon the efficiency of each and the amount and quality of the work done or caused to be done by him, and said salary may be conditional or contingent, or may not be fixed until the board have found, from the actions and efforts of each supervisor and the circumstances of his township, as to his qualifications and merits and the work required of and done by him.

SEC. 15. Every supervisor or other officer may be required to execute a proper undertaking, in an amount to be fixed by said board of road commissioners, for the faithful performance of his duties and for the proper accounting for the funds and property which may come into his hands as such, and shall always be subject to the orders and control of said board, and may be at any time removed by them for inefficiency, misconduct and other good cause, and a successor may be appointed by them.

SEC. 16. The county supervisor shall have charge and management of the plans, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized

Bond.

Term.

Powers and duties of township supervisors.

Reports.

Salaries of township supervisors.

Bonds may be required of officers.

Removal for cause.

County supervisor. Itemized statements.

- statement on account of the number of hands or persons, including convicts, worked on the roads, the number of hours or days worked, the amount paid each hand, and the amount of money received and how the same was disbursed, and a list of the tools, machinery, implements, dumps, carts, teams and other apparatus in his hands, and the condition thereof, and any other information in reference to his management that may be reasonably required. Said reports shall be made quarterly or oftener to said board. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board.
- Statements rendered quarterly.
Further duties.
- SEC. 17. That said board of road commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management of improvement and working of said roads as they may determine to be wise and best, regardless of any seeming limitations or restrictions in this act; and they may also make such purchases of gravel pits, lands, timbers and machinery and teams as they may deem wise and important for the improvement of the roads; and they may have any of the roads or any parts of the roads widened, so as to make them or such parts thereof twelve feet on either side from the center, thus making said roads twenty-four feet wide.
- Purchase of material and machinery.
- SEC. 18. That the board of road commissioners shall make an annual statement of all their doings and proceedings, in the same manner and at the same time as is required by the board of county commissioners, which statement shall be recorded and preserved by the register of deeds in a suitable book, which shall be subject to the inspection of the public, and the register of deeds shall receive the same fees for such services as he receives in other like cases.
- Annual statements.
- SEC. 19. All orders or warrants of said board on the county treasurer, authenticated as is required for such orders of the board of county commissioners, shall be paid by said treasurer out of the road funds in his hands.
- Orders paid by county treasurer.
- SEC. 20. 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 inconsistent herewith, are to remain in force.
- Powers and jurisdiction of board.
- SEC. 21. 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, where unencumbered by cultivated crops; to cut and carry away timber, except trees or groves left for ornament or shade; to dig or cause to be dug and carried away gravel, earth,
- Entry on lands for material.

sand or stone which may be necessary to repair or improve said road; to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such ditches or drains, when made, shall be guilty of a misdemeanor; and any such supervisor, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

Injury to lands a misdemeanor.

SEC. 22. That any person willfully violating any of the provisions and requirements of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than fifty dollars (\$50) or imprisoned or sentenced to work upon the roads for not more than thirty (30) days.

Violation of act a misdemeanor.

Punishment.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 391.

AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING AND MAINTAINING THE PUBLIC ROADS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the roads and ways of Transylvania County, for the purposes of this act, shall be, as hereinafter provided, divided into public roads and cartways; and for the proper construction, improvement and maintenance of the public roads of said county the board of commissioners thereof shall levy an annual tax, as hereinafter provided, and the said board of commissioners shall, on the first Monday in April, one thousand nine hundred and nine, appoint a board of road trustees for each township in said county, which boards shall be composed of three good and lawful men, resident of such township. The term of office of the first road trustee shall be six years; the second, four years, and the third, two years; and one successor of one trustee shall be appointed for each of said townships in April, one thousand nine hundred and eleven, by said board of commissioners, and annually thereafter, for the term of two years; and that in event of a vacancy occurring in any of said boards of road trustees, by death, resignation, removal from the township or otherwise, the said commissioners shall appoint his successor to fill the

Public roads and cartways.

Tax for public roads.

Appointment of township road trustees.

Terms of trustees.

Appointment of successors.

Vacancies.

Trustees incorporated. Corporate name.	unexpired term. The said trustees are incorporated the "Board of Road Trustees" of such township, and the same shall be their incorporate name.
Annual meeting of trustees.	SEC. 2. That the road trustees for each of said townships shall meet on the first Saturday in May, one thousand nine hundred and nine, and annually thereafter, and organize by electing one of their number chairman, one secretary and one treasurer, or if they shall deem it advisable they may elect one of their number secretary-treasurer, and he shall forthwith report to the commissioners of said county, in writing, a list of the officers thus elected, which report shall be kept on file in the register's office of said county; that the trustees, for the purpose of performing the duties herein required of them, shall meet semiannually, and oftener if in their judgment they shall deem it necessary, for the proper transaction of the duties herein imposed, and their secretary shall keep a record of all their meetings and proceedings;
Organization.	that the treasurer of said road trustees shall enter into a good and sufficient bond, to be approved by the other members of said board of road trustees, payable to the State of North Carolina, in trust for each township, in not less than the sum of one hundred dollars, and in no case less than double the tax levied for road purposes under this act for such township for such year, which bond shall forthwith be returned to and filed in the office of the register of deeds of said county; that said bond shall be conditioned that said treasurer of said board of road trustees shall faithfully, well and truly perform all duties, acts and things required of him under this act to be done and performed, and he and his sureties upon such bond shall be liable thereon for any default of the treasurer to do and perform any duty or duties required of him under this act; that the said road trustees, in their corporate name aforesaid, shall have the right to sue and be sued, plead and be impleaded in any of the courts of this State;
Report of organization.	that the said road trustees shall be exempt from the number of days labor hereinafter required in this act upon the public roads of their township, and shall be entitled to such compensation as is hereinafter named.
Semiannual meetings.	SEC. 3. That it shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each year, and make a report in duplicate on the condition of said public roads, and present one copy of said report to the board of commissioners of said county at their May and November meetings, and in addition thereto the said road trustees shall forthwith file one copy of said report with the clerk of the Superior Court of said county for the use of the solicitor, with such instruction and recommendation as they may deem proper; that the said road trustees shall have the right, upon petition of the citizens of their township, or without such
Record of proceedings.	
Treasurer to give bond.	
Corporate rights.	
Exemption from road duty.	
Compensation.	
Examination of and report on roads.	
Power to lay out, alter and discontinue roads.	

petition if they shall deem it best for the interest of the traveling public, to lay out, alter or discontinue public roads that are wholly within their township, or when such proposed new roads, alteration or discontinuance is wholly within their township, with as little injury to the lands through which the same passes as may be consistent with the best interest of the traveling public; and the said road trustees, taking into consideration the advantages and disadvantages to the owner of the land through which these roads thus altered or laid out pass, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, and the said road trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the board of commissioners of said county, and, unless it shall appear to said commissioners that the damages are exorbitant and unjust, shall be allowed by them; that any person or persons aggrieved by the action of the road trustees in laying out, altering or discontinuing any public road, as aforesaid, as allowed for the amount of damages allowed for laying out any new road or altering an old road, as aforesaid, may, upon giving a bond, with sufficient justified surety, to be approved by the road trustees, in not less than the sum of one hundred dollars, and conditioned for the payment of all costs which may be adjudged against him or them by reason of such appeal, appeal to the board of commissioners of said county: *Provided*, notice of appeal be given to the said road trustees by the party or parties aggrieved within ten days after the act complained of. That the said commissioners shall hear and determine such appeal, and if the same be against the appellant it shall be their duty to enter judgment against the appellant and his sureties for the cost of the appeal, with all the force and effect of a judgment in the Superior Court: *Provided*, that any party or parties aggrieved by the action of the commissioners in such matter may appeal to the Superior Court of said county in the manner set forth in the next succeeding section.

Assessment and certificate of damages.

Appeal to county commissioners.

Bond on appeal.

Proviso: notice of appeal.

Procedure on appeal.

Proviso: appeal to Superior Court.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done subject to and as is provided for in chapter sixty-five, Volume One, of the Revisal of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the courthouse door for thirty days, and at some public place in each township through any part of which said road passes, for twenty days prior to the hearing for said petition, shall be sufficient for the notice required in section two thousand six hundred and eighty-four of said Revisal: *Provided further*, that any person or persons desiring to appeal to the Superior Court

Roads extending into two or more townships.

Proviso: notice of petition.

Proviso: bond on appeal.

from the order of the board of commissioners shall first give bond, with approved security, in not less than the sum of one hundred dollars, conditioned to pay all such costs as may be adjudged against him or them by reason of such appeal.

Control of roads
in townships.

SEC. 5. That all roads, when laid out for construction or amendment under the provisions of the preceding sections, shall by reason of this act be deemed divided, so that the road trustees of each township shall have control of so much thereof as lies wholly within their township; and all public roads laid out or amended under sections three and four of this act shall be constructed as is in this act provided for the construction and maintenance of the public roads: *Provided*, that no person shall be required to go out of his township to help in working or constructing any road.

Construction of
public roads.

Proviso: persons
not required to
work outside of
township.
Road districts.

SEC. 6. That the road trustees of the several townships of said county shall, on the first Monday of May, one thousand nine hundred and nine, or within ten days thereafter, divide their respective townships into suitable road districts, and on the first Monday in March, one thousand nine hundred and ten, and annually thereafter, make such alteration as they may deem proper, and cause a brief description thereof to be made on the township records; also to furnish each supervisor with a description of his road district; that the road trustees of each township, at the meeting at which they divide their township into road districts, as aforesaid, and annually thereafter, shall elect one supervisor for their township, who shall have charge of the several road districts therein; but if in their judgment they should consider it best suited to the conditions in their township, they may elect more than one supervisor, and assign to each the districts which he shall have charge of, under the provisions of this act; that the road trustees shall cause each supervisor to enter into a bond in not less than the sum of one hundred dollars, executed to the State of North Carolina in trust for said township, with sufficient surety, to be approved by the road trustees for such township; that the road trustees shall have general power and control over the public roads in their townships, and shall confer with and may direct the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads; that in case of a vacancy in the office of supervisor, occurring by death, resignation, removal or otherwise, the road trustees shall appoint his successor for the unexpired term, and may at any time when they shall deem it for the best interest of the public roads of their township remove any supervisor from office and appoint his successor.

Election of super-
visors.

Bonds of super-
visors.

Power and con-
trol of trustees.

Vacancy filled.

Removal for
cause.

Supervisor to
qualify.

Semiannual
reports.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall make and execute bond, with approved surety, such as may be required of him, as aforesaid, by the road trustees, and shall at each semiannual meet-

ing of the road trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, the character and extent of the work he has done on the same, the number of persons subject to road duty, as defined in section nine of this act, in each road district under his charge, and the number of days work by each of said persons; the name of each person who has paid cash in lieu of services, and the amount of cash paid by each; the full amount of receipts and the amount and manner of all expenditures during said semiannual period; the number of days worked by him on the roads of his district and the number of hands worked each day, and the number of judgments, fines and penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the road trustees may require of him appertaining to his duties or relating to the condition of his road.

SEC. 8. That it shall be the duty of each and every supervisor, ^{Duty of supervisor.} subject to such directions as the road trustees may deem proper

to make as to the manner of doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district, the same to keep in repair, and remove or cause to be removed all obstructions that may from time to time be found thereon, for ^{Entry on lands for material.} which purposes the supervisors are hereby authorized to enter

upon any lands not encumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on, improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road ^{Drains or ditches} to make such drains or ditches through the same as he may deem necessary for the benefit of the road, doing as little injury to said lands and improvements thereon and timber as the nature of the case and public good will permit; and the drains or ditches so made shall be conducted to the nearest water course, ditch or drain, and shall be kept open by the supervisors and shall not be obstructed by the owners or occupier of said land or any person or persons having the same in charge, under the penalty of ^{Forfeit for obstructing ditches.} forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the road trustees and applied to the road fund of said township; and if the supervisor shall willfully injure any cultivated ^{Injury to lands a misdemeanor.} or improved land by failure to conduct said drains and ditches to the nearest water way, ditch or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.

SEC. 9. That all able-bodied male persons and all male persons ^{Persons subject to road duty.} able to perform the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to do and ^{Road duty.} perform five days' labor on the public roads, under the direction

Proviso: commu-
tation.

Proviso: emer-
gency work.

Proviso: day's
work.

Supervisor to
warn hands.

Forfeit for failure
to attend and
work.

Misdemeanor.
Punishment.

Proviso: road
duty not released.

Removals.

Persons warned
to bring tools and
implements.

of the supervisor of the road district in which he resides: *Provided*, that if any person, being warned, as hereinafter provided, shall pay to the supervisor of his road district the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the road supervisor receiving the same to the improvement of the roads in that district: *Provided*, that if from heavy rains, floods, washouts or any unusual injury to the roads the road trustees shall be of the opinion that the condition of the roads in their township demands it, they may increase the number of days labor for each person subject to road duty, as above, to not more than seven days: *Provided further*, that ten hours shall constitute a day's work, as required under this act.

SEC. 10. That it shall be the duty of every supervisor to order out every such person resident as aforesaid, between the first day of March and the first day of December, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend himself or by an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of nonattendance to the amount of labor required by the road trustees in such township, to be recovered by an action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside, and shall also be guilty of a misdemeanor and fined not exceeding five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisor to the improvement of the roads within his district, and accounted for by him at the annual settlement with the road trustees: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.

SEC. 11. That in case any person shall remove from any district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any way has paid the whole or any part of the money due in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete release for the amount or time therein specified.

SEC. 12. That any person of road age, as defined in this act, who shall be summoned, as hereinbefore provided, to perform any labor upon the public roads under the provisions of this act, shall

by himself or by an able-bodied substitute appear at the place appointed by the supervisor at the hour of seven o'clock A. M. with the necessary tools and implements, as the supervisor may direct, and the supervisor may arrange for the use of teams, wagons, carts, plows or scrapers to be employed and used on the roads under his direction, upon terms and prices to be approved by the board of trustees.

Teams and machinery.

SEC. 13. That for the purpose provided in this act, as to the liability of any person to work on the roads, as aforesaid, his residence shall be deemed to be in the township in which he sleeps five days previous to the time set for working said roads: *Provided*, that a properly verified receipt from some road official or tax collector from any State, county, city or town or other district shall relieve any holder of same from an equal amount of work or sum of money due under this act as said receipt or certificate shall specify: *Provided further*, that no *bona fide* guest of any hotel or boarding house temporarily staying or boarding in Pennsylvania County shall be liable to road duty.

Residence defined.

Proviso: receipts for road work.

Proviso: temporary residents not liable.

SEC. 14. That the several supervisors within their respective districts shall collect, by suit or otherwise, all fines, forfeitures and penalties arising or accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and directed, before their settlement with the road trustees, to prosecute to final judgment all actions against any and all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures and penalties can be collected or enforced; and the said judgment, if not paid, together with the costs therein, shall remain and be enforced against the judgment debtor.

Collections of fines, forfeitures and penalties.

SEC. 15. That all moneys remaining in the hands of any supervisor at the time of the annual settlement with the road trustees shall be paid over to his successor in the office as soon as such successor shall be elected and qualified, taking a receipt therefor and depositing same with said road trustees. It shall be lawful for any supervisor to have execution issued on any judgment that remains unpaid within his district at any time when in his opinion the same can be collected, and the money so received, when collected, shall be expended as provided in the foregoing sections.

Money to be paid over.

Execution on judgment.

SEC. 16. That the commissioners of said county are hereby authorized to and shall levy at the June session of their board, in one thousand nine hundred and nine, and annually thereafter, for the purposes hereinafter mentioned in this act, not less than five nor more than fifteen cents on every hundred dollars' worth of taxable property in said county, and the chairman of said commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes, and the amount collected for each township shall be set aside for and used in each township for the purposes hereinafter

Road tax to be levied.

Rate.

Division as to townships.

Trustees to confer with commissioners.	mentioned; and it shall be the duty of the board of trustees of each township to confer with and make recommendation to the county commissioners as to the amount of tax needed in each township for the purposes hereinafter mentioned; and if said commissioners shall be satisfied from such recommendation that any township needs for said purposes more tax for the ensuing year, the said commissioners may on the first Monday in June of each year levy an additional tax for said purposes in said township:
Special township tax.	
Proviso: limit.	<i>Provided</i> , that said levy shall not exceed the limitation hereinbefore mentioned in this section, nor be less than the minimum levy
Collection of tax.	mentioned in this section, and the taxes levied by virtue of this act shall be collected by the sheriff or tax collector in the same manner and under same pains and penalties as provided for by the law for collecting general taxes.
Taxes kept separate.	SEC. 17. That the road tax levied under this act shall be made out and kept in a separate item on the tax list, and appear in a
Road tax lists.	separate item on the tax receipt; that the clerk of the board of commissioners shall, at the earliest date practicable, and not later than the fifteenth day of September in each year, furnish to the treasurer of the board of road trustees of each township a statement containing the name of each person against whom a road tax is levied in said township and the amount of tax levied against every such person; that the treasurer shall immediately notify the supervisor or supervisors of his township that he has such list, and said supervisor shall take an exact copy of so much thereof as
Labor in payment of road tax.	affects taxpayers within his district or districts; and that any person charged with road tax may discharge the same by labor on the public roads within the district where the same is charged within the time designated within this act, at the rate of one dollar per day, and a ratable allowance per day for any time, implements and material furnished by any person under the direction of the supervisor of each district, who shall give to such
Certificate of payment.	person a certificate specifying the amount of tax so paid and the name of person and the district and township wherein such labor was performed, which certificate shall in no case be given for
Certificates received as taxes.	any greater sum than the tax charged against such person, and the tax collector shall receive all such certificates as payment and discharge of said road tax; that the tax collector shall pay the
Settlements of taxes.	amount of taxes collected in each township to the treasurer of the board of road trustees of said township, taking from such treasurer his receipt therefor, stating separately the amount paid in cash and the amount paid by turning in certificates of labor as aforesaid from the supervisor of said township, which receipt shall be a valid voucher in settlement of such tax collector with the commissioners of said county for the road tax of said township:
Proviso: commissions of collector.	<i>Provided</i> , that the tax collector shall receive commissions only upon the amount of road tax actually collected in cash by him.

SEC. 18. That the moneys paid into the hands of the treasurer of the road trustees under this act shall be expended as the road trustees may direct for the construction, maintenance and improvement of the public roads of their township, and, in determining the division of the funds, shall be governed, not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material and quantity of material necessary to make substantial repairs and improvements, and thus make a just and equitable division of the funds to the needs of roads, and said money shall be used, so far as practicable, in making most permanent and lasting improvements upon said roads possible.

Expenditure of road funds.

SEC. 19. That the treasurer of the board of road trustees shall disburse the funds coming into his hands under this act only upon order signed by the chairman, stating the person to whom the same is payable, the amount and the purpose for which the same has been or is to be expended; and the said treasurer shall at any time the same may be required by the board of road trustees make an itemized report of the amount of receipts and disbursements which he has made.

Orders on road funds.

Itemized reports.

SEC. 20. That the supervisor shall receive for his services the sum of one dollar per day for the time actually employed on the roads, and the board of road trustees shall receive the sum of one dollar per day for each member for each regular meeting and the sum of seventy-five cents per day per member for each called meeting of said board; said amounts to be paid out of the road funds of the township in which said trustees and supervisor are acting: *Provided further*, that the board of road trustees of any township may at any time fix the minimum number of hands to be worked each day by the supervisor, and for such days as he works a less number he shall not receive payment.

Pay of supervisors.

Pay of trustees

Proviso: minimum of hands.

SEC. 21. The supervisors of each township or district are hereby authorized to order out any or all persons liable to road duty in their respective districts, without giving any previous notice thereof, at any time of the year, to repair any damage or injury done said roads by reason of rain storm or other means: *Provided, however*, that no person shall be required to work more than seven days or pay more than seven dollars in any current year: *Provided further*, that any person ordered to work as above set out may pay one dollar per day in lieu of working on said roads.

Warning for emergency work.

Proviso: limit of road duty.

Proviso: commutation.

SEC. 22. That the supervisors of public roads within said county are hereby authorized and directed to construct footbridges over streams of water in their districts, where the convenience of travelers on foot require the same.

Footbridges.

SEC. 23. That each supervisor within his district shall erect and maintain at the expense of the township, at the forks or crossing of public roads, a post and guideboard containing an inscription in

Post¹ and guideboards.

Mileposts.	legible letters directing the way and distance to the town or towns or other public place situate on each road, respectively, and shall erect and maintain mileposts on said public roads showing the distance from the county seat; and that any person who shall willfully demolish, tear down or deface any such guidepost or milepost shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.
Injury to guide or mileposts a misdemeanor.	
Punishment.	
Tools and implements.	SEC. 24. That the road trustees of the several townships in said county be and they are hereby authorized to furnish plows, scrapers and other tools as they may deem proper for use upon the public roads of their township, to be paid for out of any moneys in the township for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof or by unnecessary exposure to the weather during the time same may be in his possession, and he shall on the first Monday in March annually return the same to said road trustees. The amount of which each supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the road trustees.
Liability of supervisors.	
Width of roads.	SEC. 25. That the right of way of public roads in said county shall be twenty-four feet wide, and the supervisor, with the approval of the road trustees, shall determine how much of said right of way shall be used for road purposes.
Certificates for material taken.	SEC. 26. That each and every supervisor who shall cut and take any timber, stone, clay, marl, sand or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district, as is provided in section eight of this act or otherwise, shall, on demand of the owners of the lands, their agent or agents, or the guardian of any ward or the executor or administrator having the lands in charge, from which timber, stone, gravel or other material was taken, as aforesaid, shall give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purposes for which the same were taken, and upon presentation the road trustees shall allow said certificate, if the same is just, but if not just, to allow such sum, if any, as they may deem fair and just, and such sum shall be paid out of the funds of said township.
Presentation and payment of certificates.	
Acts of supervisor declared misdemeanors.	SEC. 27. That if the supervisor shall willfully and wantonly injure any crop or cultivated or improved lands in the exercise of the duties devolving upon him in this act, or should fail to conduct the drains and ditches mentioned in section eight of this act to the nearest water way, ditch or drain, and keep said drain

or ditch in repair, he shall be guilty of a misdemeanor and fined Punishment, not exceeding twenty dollars.

SEC. 28. Any person engaged in hauling or transporting saw Snaking logs a misdemeanor.
logs or other timbers on any public roads who shall transport or cause to be transported by means of chains and grab hooks or other means to be made to slide on the roadbed by a method known among lumbermen as "snaking" logs, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty Punishment, dollars or imprisoned not less than thirty days.

SEC. 29. That it shall be unlawful for any supervisor to perform Labor on roads not laid out forbidden.
or cause to be performed any labor on any road not regularly laid out and established as a public road by law.

SEC. 30. That at any time during the year when any public road Removal of obstructions from roads.
shall be obstructed it shall be the duty of the supervisor of the district in which the same may be situated forthwith to cause such obstruction to be moved, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public roads of the district as he may deem necessary to remove said obstruction. If the person or persons thus called out shall have performed their days of labor upon the public roads or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons for the ensuing year: *Provided*, that Certificates for labor.
nothing herein shall be construed as to require the removal of gates erected to enclose stock-law boundaries in said county. *Provided*: stock-law gates.

SEC. 31. That sections two thousand six hundred and eight-six Cartways.
and two thousand six hundred and ninety-four of Volume One of Revisal of one thousand nine hundred and five shall govern the establishing and laying out of cartways, except that the duties therein imposed upon the board of supervisors of the township shall devolve upon and be performed by the board of road trustees for the township: *Provided*, that said trustees, in case of appeal, *Provided*: bond on appeal.
shall require of appellant a bond sufficient to cover the cost of the appeal.

SEC. 32. That as to unlawful obstruction of public roads and Obstructions by railroad companies.
other injuries thereto by railroad companies, sections seventy-two, seventy-three, seventy-four and seventy-five of chapter fifty of the Laws of one thousand nine hundred and one shall be and the same are hereby made a part of this act.

SEC. 33. That each and every supervisor who shall neglect or Penalty on supervisors for neglect or malfeasance.
refuse to perform the several duties enjoined on him by this act, or who shall under any pretenses whatever give or sign any certificate or receipt purporting to be a certificate or receipt for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offense not less than ten

- dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace in the proper township; and it is hereby made the duty of the road trustees to prosecute all offenses against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of any such justice of the peace, he may, on giving sufficient security to said justice of the peace for the payment of the costs, appeal to the Superior Court, which shall make such order therein as to it may appear just and reasonable, and shall also be liable on his official bond for any loss resulting from such negligence and wrongful conduct.
- Trustees to prosecute. Proviso: right of appeal.
- SEC. 34. That any road trustee, supervisor, secretary-treasurer of the board of road trustees or other officer of said county of whom any act or duty is required in this act to be done or performed, and who shall neglect or refuse to do any such matter or thing herein required, shall be guilty of a misdemeanor and fined not exceeding two hundred dollars or imprisoned in the discretion of the court, and it shall be the duty of the solicitor for the Fifteenth Judicial District to prosecute all offenses against this act.
- Neglect of or refusal to discharge duty a misdemeanor.
- Punishment.
- Duty of solicitor.
- SEC. 35. That the commissioners of said county shall have supervision and control of the bridges of said county, the location, construction, maintenance and repair of the same, as now provided by law, and nothing contained in this act shall in any way alter or amend any law relating thereto.
- Supervision and control of bridges.
- SEC. 36. That all moneys, tools, road implements, machinery or books now in the hands of any overseer, supervisor or other road officer of any township or road district in said county, and belonging to any such township or district at the time this act goes into effect, shall be turned over and delivered to his or their successor or successors under this act.
- Money and property to be turned over.
- SEC. 37. That with the view of getting a proper grade in laying out or amending any public road, as provided in this act, the authorities herein authorized to locate and lay out the same may employ a competent surveyor, who shall be paid by the township in which the work is done for his services.
- Employment of surveyor.
- SEC. 38. That all moneys collected by the levy of taxes provided for in this act shall be used annually for the purposes of laying out, constructing and maintaining all public roads that may now exist or may hereafter be laid out, and for the keeping up, constructing and repairing all bridges along the public roads of the county costing less than fifty dollars: *Provided*, that all such bridges in each and every township shall be constructed and kept in repair by the money belonging to said township, as provided for in this act.
- Use of special tax.
- Proviso: bridges.

SEC. 39. That nothing contained in this act shall be construed Law not repealed. in any manner to repeal chapter four hundred and ninety-one of the Public Laws of one thousand nine hundred and seven.

SEC. 40. That all other laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 41. That this act shall be in force from and after the first When act effective. Monday in April, one thousand nine hundred and nine.

Ratified this the 27th day of February, A. D. 1909.

CHAPTER 392.

AN ACT FOR THE BETTER MAINTENANCE AND SUPPORT OF THE PUBLIC SCHOOLS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of New Hanover Question of special tax submitted to voters. County, in order to provide for the better maintenance of the public-school system in said county, be and they are hereby authorized and directed, whenever requested by the board of education of said county, to submit to a vote of the qualified electors of New Hanover County the question, "Shall New Hanover County levy a special tax for the better maintenance and support of the public schools of said county?" Said board of commissioners shall for at least thirty (30) days preceding the said election give public notice of the time and places for holding said election and the purposes thereof by publication in one or more newspapers published in said county. Notice of election.

SEC. 2. That said election shall be held and conducted, as near Law governing election. as may be, in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that said board of commissioners shall order a new registration and appoint the registrars and judges of the election; that the vote shall be counted at the close of the polls, and returned to said board of commissioners on the second day next after said election, and said board of commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of the result of said election shall be necessary. Proviso: new registration; officers for election. Count and return of votes.

SEC. 3. That at said election the ballots shall have written or Ballots. printed upon them the words "For Public-school Tax" or "Against Public-school Tax." All qualified voters who favor the levy of the special tax shall vote "For Public-school Tax." All qualified voters who are opposed thereto shall vote "Against Public-school Tax."

Levy of tax if
voted for.

Rate.

Collection of tax.

Proviso: board of
education to fix
amount of levy.
Limit.

SEC. 4. That in case the result of the election shall be in favor of the levy of the special taxes, as aforesaid, said Board of Commissioners of New Hanover County shall levy, annually, on the first Monday in June of each year, a special school tax for said county of not more than fifteen cents on the one hundred dollars' worth of property and not more than forty-five cents on each poll: the subjects of taxation and levy of taxes to be the same as that on which the said board of county commissioners now or may hereafter be authorized to lay and levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be turned over to the county treasurer, to be applied by the Board of Education of New Hanover County for public-school purposes, as provided for by law: *Provided*, the board of education shall be authorized to fix the amount of the levy for each year at not more than fifteen cents on the one hundred dollars' worth of property and not more than forty-five cents on the poll, and certify the same to the board of commissioners before the first Monday in June of each year.

SEC. 5. The expenses of holding the election shall be paid out of the general school fund of the county of New Hanover.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 27th day of February, A. D. 1909.

CHAPTER 393.

AN ACT FOR THE PURPOSE OF LEVYING A SPECIAL TAX TO BUILD THE NECESSARY BRIDGES IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Purpose of tax.

Levy authorized.

Rate.

Constitutional
equation.

SECTION 1. That for the purpose of building and erecting one or more public bridges in the county of Cherokee across Hiawassee River, Valley River and Notla River, and the repairing of the bridges of said rivers, the county commissioners of Cherokee County may, if they deem it necessary, levy and assess each year, at the time county taxes are levied and assessed, upon all the taxable property, both real and personal, of every kind and description, and upon all taxable polls under this act, not less than five cents upon the one hundred dollars valuation of property and fifteen cents upon each poll, and not more than twenty-five cents upon the one hundred dollars valuation of property and seventy-five cents on the poll: *Provided*, that in the levy and assessment of said taxes the commissioners as aforesaid shall observe the constitutional equation between the property and the poll.

SEC. 2. That for the purpose of this act the board of commissioners may contract with any person, corporation or firm to repair or construct or build a bridge or bridges, when in their opinion it is necessary to repair or build same, for the better convenience of the public travel; to issue interest-bearing claims on the county of Cherokee, with interest not to exceed six per cent per annum, and to be paid for in one, two, three, four and five years from date of issue.

Contracts for construction or repairs.

Issue of interest-bearing claims authorized. Interest. Maturity.

SEC. 3. That this act shall not be construed by any person or court to compel the commissioners to levy any tax for bridge purposes whatever, and is entirely left in the discretion of the commissioners of said county to levy said tax, when they deem it necessary, for the repair and building of the public bridges of Cherokee County.

Discretion of commissioners.

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

Ratified this the 27th day of February, A. D. 1909.

CHAPTER 394.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ASHE COUNTY TO SELL THE PRESENT FARM AND HOME FOR THE AGED AND INFIRM AND PURCHASE ANOTHER.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Ashe County be and are hereby authorized and empowered and directed to sell the farm upon which the present home for the aged and infirm is located, either at public or private sale, as to them may seem for the best interest of the county, and upon such terms as to them appear best, and with the proceeds of the sale of said lands, together with an additional sum not to exceed ten thousand dollars (\$10,000), to purchase another farm for the location of a new home for the aged and infirm of said county and erect suitable and sufficient buildings, including the necessary outbuildings, that may be necessary for the comfort and care of the inmates of said home, and furnish same with necessary furniture for the comfort of said inmates; that said commissioners are authorized to purchase said farm upon such terms as to them may seem for the best interest of the county, and may issue county claims in payment of same, upon such terms and bearing interest at a sum not exceeding five per cent per annum, which said claims shall be paid as other county indebtedness is paid in said county, or they may in their discretion levy a special tax for the purpose of paying for same, in which case said special tax shall be levied and col-

Sale directed.

Fund for purchase of new location.

Terms of purchase.

County claims in payment.

Interest.

Special tax authorized.

- lected as the general taxes are levied and collected in said county, and not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on each poll.
- Rate.
- Control of home. SEC. 2. That said commissioners shall have full and complete control of said county home for the aged and infirm, and shall, annually, at the December meeting, employ a keeper of the county home and rent said farm to said keeper upon such conditions and terms as to them may seem proper and just, or in their discretion they may employ a keeper for said county home and rent the said farm to another party upon such terms as to them may seem for the best interest of the county and inmates of the home: *Provided, however*, said commissioners shall reduce the contract between the keeper or person renting the county farm to writing and have same recorded in their minute docket, and shall require the keeper or person so renting the farm to enter into a good and sufficient bond in the sum of not more than twenty-five hundred dollars, to be approved by said board, conditioned upon the faithful performance of the conditions of said rental contract as keeper of the county home for the aged and infirm.
- Employment of keeper.
- Renting of farm authorized.
- Proviso: contract in writing.
- Bond for rental.
- Allowance for support of farm. SEC. 3. That said commissioners are hereby authorized to make any allowance for the support of the inmates in said county home, in addition to the income of the county farm, if necessary, for the support of said inmates.
- Stock and farming implements. SEC. 4. That said commissioners shall also purchase the necessary stock and farming implements for said farm in their discretion.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 27th day of February, A. D. 1909.

CHAPTER 395.

AN ACT TO GRANT A NEW CHARTER TO THE CITY OF HIGH POINT, GUILFORD COUNTY, NORTH CAROLINA, REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH.

The General Assembly of North Carolina do enact:

- Corporation continued. SECTION 1. *Corporate Name.*—That all the inhabitants of the city of High Point, Guilford County, North Carolina, as the boundaries and limits of the said city are herein established or may be hereinafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "City of High Point," with such powers, rights and duties as are herein provided.
- Corporate name.

SEC. 2. *Boundaries.*—That the boundaries and limits of said Boundaries. corporation shall be two miles square, running with the cardinal points of the compass, of which the center of Main Street crossing with the Southern Railway shall be the center, and all the ter- Wards. ritory contained within said boundaries or limits shall be divided into four wards, as follows: The First Ward shall contain all the First ward. territory lying north of the Southern Railway and west of North Main Street. The Second Ward shall contain all the territory Second ward. lying north of the Southern Railway and east of North Main Street. The Third Ward shall contain all the territory lying Third ward. south of the Southern Railway and west of South Main Street. The Fourth Ward shall contain all the territory lying south of the Fourth ward. Southern Railway and east of South Main Street: *Provided*, that *Proviso: power of city council.* the city council shall have the power from time to time, by ordinance, to cause a division of said city to be made into as many wards (not less than four) as they may deem necessary and for the good of the inhabitants of said city.

SEC. 3. *Platting of Property.*—That should any property lying *Platting of Property.* within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay off the same to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same: *Provided*, that in no case shall the city of High Point be required to pay for any of said streets, at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the city of High Point, for use as public highways, and shall be cared for as such. *Proviso: streets to become property of city.*

SEC. 4. *Corporate Powers.*—The city of High Point, made a body *Corporate powers.* politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever may take, hold and purchase lands as may be needed for the corporate purposes of said city, and may sell any real estate and personal property owned by it; perform and render all public services, when deemed expedient; may condemn property for public use, and may hold, manage and control the same; such condemnation proceedings to be governed and controlled by the city council, and shall be subject to all the duties and obligations now pertaining to or encumbent upon said city, as a corporation, not in conflict with the provisions of this act; and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city and herein granted and conferred. When any land or right of way shall be required for the purpose of opening new streets or for widening those already opened, or for other public use allowed by this charter, and for want of agreement as to the compensation there- *Procedure for valuation of land taken for streets.* for, and the same cannot be purchased from the owner or owners,

the same may be taken at a valuation to be made by three freeholders of the city, one to be chosen by the city council, one to be chosen by property owner, and if these two cannot agree, they to choose a third person; and in making said valuation said freeholders, after being duly sworn by the mayor or justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefits or advantages such owner may receive from the opening or widening of such street or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same, under their hands and seal, to the city council, which report, on being confirmed by the council and spread upon their minutes, shall have the effect of a judgment against said council and shall pass the title to the city council in their corporate capacity of the land so taken, and the land may at once be condemned and used by the city for the purpose intended: *Provided*, if any person whose land is thus taken, or the city council, be dissatisfied with the valuation that is made, then in that case either party may have an appeal to the next Superior Court: *Provided, however*, that such appeal shall not hinder or delay the city council for opening or widening such street or creating such other improvements.

Proviso: right of appeal.

Proviso: appeal not to delay proceedings.

Ordinances.

SEC. 5. *Powers of Ordinance*.—The city of High Point shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order and security of the city and its inhabitants; to protect the lives, health and property of all the inhabitants of said city, and to enact and to enforce any and all ordinances upon any subject: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this act; and *Provided further*, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this act to grant to and bestow upon the inhabitants of the city of High Point and the city of High Point full power of self-government; and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina or by the provisions of the Constitution of the State of North Carolina. All ordinances of the city, when printed and published and bearing on the title page thereof the words "Ordained and published by the City Council of the City of High Point," or words of like import, shall be *prima facie* evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Proviso: ordinances not in conflict with law.

Proviso: specification of powers not a limitation.

Authentication of ordinances.

SEC. 6. *Real Estate, etc., Owned by City.*—All real estate owned in fee simple title or held by lease, sufferance, easement or otherwise; all public buildings, market houses, schoolhouses, fire-engine stations, public squares, parks, streets, alleys and all property of whatever kind, character and description which has been granted, donated, purchased or otherwise acquired by the city of High Point, through any means or agency, and all causes of action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, controlled or used by said city of High Point for public uses or in trust for the public, shall vest in and remain in and inure to the said corporation, the city of High Point, under this act; and all suits and pending actions to which the city of High Point heretofore was or now is a party, plaintiff or defendant, shall in nowise be affected or terminated by the provisions of this act, but shall continue unabated.

Property owned by city under former charter to vest in city under this charter.

Pending actions.

SEC. 7. *Street Powers.*—The city of High Point shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, embellish and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals and vehicles, in whatever way or for whatever purpose; to prevent, abate and remove encroachments, obstructions, pollutions or litter therein; to open new streets and highways, when necessary, and generally to make and enforce any and all regulations in respect thereof in the judgment of the council requisite, proper or expedient to promote and insure the health, safety and convenience of the inhabitants and public of said city.

Street powers.

SEC. 8. *Sidewalks.*—The city of High Point may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land or property, and may prescribe the character of such sidewalk and the manner in which it shall be laid. Should any person or corporation owning land in the city of High Point fail or refuse to construct sidewalks in front of or abutting on their property, in accordance with the ordinance passed by the city of High Point, in addition to the penalty provided for herein, the city of High Point shall have the right to have said sidewalks constructed in accordance with such ordinance, at the expense of the abutting property owner, and may recover a personal judgment in any court

Sidewalks.

Work done by city at expense of owner.

Recovery of cost and expense.

Proviso; grading and curbing at expense of city.	having jurisdiction of the amount for the cost and expense in constructing said sidewalks: <i>Provided</i> , the city shall first establish the proper grade and place the curbstone at the expense of said city.
Street and electric railway companies.	SEC. 9. <i>To Regulate Street and Electric Railway Companies.</i> —The city of High Point shall have the power, by ordinance or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said city, and to require steam railway companies to keep the streets over which they run properly drained, and to light the same wherever deemed necessary, and to require steam and electric railway companies to construct and keep in repair, from curb to curb, bridges and crossings over all ditches, and to construct and maintain drains and culverts, where crossed by any line of said railways, on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said city, as they may be or are now established; and that said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets. The city of High Point shall also have the power to assess and collect the ordinary municipal taxes upon city railroads, and to compel the said city railroad companies to keep their roads in repair, and restrain the rate of travel so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodations for the safe and convenient travel of the people on any streets where their tracks may run.
Tax on city railroads.	The city council may enforce these regulations by proper ordinance, with suitable penalties for all violations of said ordinances.
Regulation of city railroads.	Whenever the city council shall determine to fill, grade, pave or otherwise improve any street or avenue, and over and upon which or any portion thereof there may be tracks or roadbed of any railroad company, the said railroad shall, upon notice, fill, grade or pave or otherwise improve the portion of said street or avenue so occupied by it, between the rails of said tracks and for one foot on each side of said rails, with such material and in such manner as has or may be provided by said council for the improvement of the other portions of such street or avenue. Upon failure to do so, after thirty days' notice, the said council may so improve such street or avenue, between said rails and for one foot on each side thereof, for account of said railroad company; and for all sums so expended, and legal interest thereon, the city of High Point shall have a first lien on roadbed, franchises and other property of said railroad company, and if not paid upon demand suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien. Any railroad company or street railway company proposing, with the permission of the council, to occupy any street or streets already occupied by any
Enforcement of regulations.	
Improvement of streets; obligation of railroad company.	
Work done by city for account of railroad.	
Liens for costs and expenses.	
Recovery and foreclosure. Railroads on streets occupied by other company.	

other such company shall, besides paying for paving, as may be required by the city council or by the provisions of this act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company. Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of cost of such improvements as the city council may direct or as is fixed by this act. No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it, except with the permission of the city council. The city council shall have power by ordinance to require any street car or electric railway company or other person or corporation operating street cars in, into or through the city of High Point to issue to its passengers transfers from any of its lines to any other lines within the city, upon the payment by said passenger of the fare or rate prescribed for one continuous passage.

Lien for cost.

Railroad laying track on improved street.

Street not to be used but by permission.

Transfers to passengers.

SEC. 10. *Vestibule Cars.*—The city council may, by ordinance duly passed, require any street car company operating its lines or cars within or into the city of High Point to equip its cars with vestibules of such patterns and style and during such period of the year as may be prescribed by ordinance. The city shall also have the right and power, by ordinance duly passed, to require any street railway company operating its lines or cars within the limits of the city of High Point to equip its cars with fenders of such style, design or pattern as may be prescribed by the city council, and to run closed cars in the months of December, January, February and March of each year.

Vestibule cars.

Fenders.

Closed cars.

SEC. 11. *To Regulate Rates of Public Utilities.*—The city council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights; of public carriers and hacks, whether transporting passengers, freight or baggage; to fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from any of its lines to any other line in the city, whether such other line be owned by it or any other company, and, in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right, by mandamus or other proper remedy in any court of competent jurisdiction, to enforce any ordinance requiring the giving of transfers by any street railroad company; and in addition thereto the city of High Point may recover of the street railway company the sum of twenty-five dollars (\$25) as penalty and liquidated damages for each and every failure to give a transfer. It shall be unlawful to continue, amend or extend any street railroad fran-

Rates for public utilities.

Enforcement of ordinance.

Penalty as liquidated damages.

Contract to give transfers prerequisite to extension of franchise.

chise without binding any such railroad to give universal transfers, and under provisions to be fixed by general ordinance.

Sewerage and waterworks.

SEC. 12. *May Own Waterworks.*—The city of High Point may buy, construct, establish, maintain, operate and regulate a system of sewerage and waterworks; make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said city or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water or any injury to said waterworks, and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of waterworks, whether within or without the limits of said city, conforming the mode and manner of the same to the rules now prescribed for cities and towns by the general laws of the State for the condemnation of property for the construction of waterworks and of sewers or sewerage systems; to adopt rules and regulations for the management of the waterworks and sewerage systems, and make and establish a schedule of water and sewer rates and tolls, and prescribe the mode and manner of the construction of the surface pipes, alley laterals and house connections with the water mains and sewer pipes.

Rates and tolls.

Regulation of construction and connection.

Preservation of water supply.

Proviso: extent of jurisdiction.

2. The city of High Point is hereby given full power and authority to take such steps to improve and preserve the purity of the water in Deep River, above the city's pumping station, or any other stream from which the city may hereafter draw its supply of water, as it may think necessary: *Provided*, that the power in this section shall not be construed to give said city any jurisdiction or control over said river or streams, except for the purpose of protecting or improving the watershed, *i. e.*, the water supply of both Deep River or other streams and the smaller streams or tributaries.

Power to require sewer connections.

SEC. 13. *Connect with Sewers.*—The city of High Point may require all owners, tenants and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct, own or control, or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water-closets, sinks or drains located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system is constructed by said city or is acquired by it by purchase or otherwise: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connections or do any other thing which the city council has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, if the primary obligation to do the same was on the

Proviso: lien of tenant or occupant for reimbursement.

landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction; and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent.

Enforcement of
lien.

Claim a set-off
against rent.

SEC. 14. *Condemn Privies, Wells, etc.*—Said city shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city which on inspection shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed, at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the council, shall reconstruct the same in such a manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in future, they shall have the power and it shall be their duty to have the same so constructed as not to interfere with the health of persons or the safety of persons or property within the city.

Power to con-
demn and abate
nuisances.

Power to direct
future construc-
tion.

SEC. 15. *Ownership and Regulation of Public Utilities.*—The right is hereby granted to the city of High Point to acquire, by purchase, its public utilities, such as gas, water and electric light works, and underground, surface and elevated street railways, subways or underground conduit systems for electric light, power and other wires used for the purpose of transmitting any electric service: *Provided*, that no purchase or expenditure shall be made under this section unless the same shall first have been submitted to the vote of the qualified tax-paying voters at an election to be held exclusively for that purpose; and the right is hereby expressly granted to the city of High Point to regulate all public utilities in said city and to require efficiency of public service, and to require all persons or corporations to discharge the duties and undertakings for the performance of which the respective franchises were made.

Right to purchase
public utilities.

Proviso: purchase
to be submitted
to voters.

Power to regulate
public utilities.

SEC. 16. *Fires.*—The city of High Point shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department; and for the purpose of guarding against the calamity of fires may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits of said city as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fireproof material, the kind, character, extent and

Protection against
fires.

Fire department.

Fire limits.

- quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in fire limits, when the same shall have been damaged to within fifty per cent of the value thereof, and may prescribe the manner of finding such damages, and may also declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as the council may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings or which may cause or promote fires to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only a fireproof roofing may be used, and may impose a penalty for violations of such rules and regulations.
- Fireproof roofing.
- Markets and abattoirs.
- SEC. 17. *Markets.*—Said city shall have the power to establish, lease, buy, erect, maintain, own, regulate and operate markets and market places, abattoirs, and to build, own and maintain buildings therefor, and to rent and lease the same.
- City prison.
- SEC. 18. *Charities and Corrections.*—The city shall have power to establish, maintain and regulate the city prison or city prisons for vagrants, city convicts and disorderly persons; also houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents, or parents who willfully and grossly neglect them, and such other places of incarceration and reformatory institutions and such orphanages and charitable institutions as it may deem expedient: *Provided, however,* that no gratuity that is purely personal and no pension shall ever be granted to any individual, and no funds belonging to the city shall be paid out except for personal services rendered and for the other purposes specified or authorized by this act.
- Houses of correction and reformatories.
- Orphanages and charitable institutions.
- Provide: no gratuities to be granted to individuals.
- Burial grounds, crematories and cemeteries.
- SEC. 19. *Health.*—The city of High Point shall have the power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits, if deemed advisable or if found necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the city, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be reinterred in a suitable place to be provided by the city, at its expense; and whenever advisable the city may condemn the land proposed to be used for the reinterment of bodies in the same manner as in condemnation of streets, etc. (section four), and use such condemned ground, formerly used for cemeteries, for such other purposes as may best subserve the interests of the city.
- Power to acquire lands.
- The city of High Point shall have power to acquire land and grounds inside or outside of the city limits, by purchase, gift or otherwise, to be devoted to and used for the purpose of a public

and private cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery and make such charges for the burial of the dead therein as may be deemed proper by the city council; and said city shall also have the power to appropriate private property lying within or without the city limits to be used and devoted for cemetery purposes, as herein stated, by condemnation proceedings brought for such purpose, and in all such cases the proceedings had to condemn such land shall be governed and controlled by the city council, as provided for in section four of this act. Power to condemn lands.

2. To regulate the burial of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons and others for any default in the premises. Regulation of burials; vital statistics.

3. The city of High Point shall also have the power by ordinance to authorize the destroying of clothing, bedding, furniture and buildings infected with the germs of any infectious or dangerous disease, when the public health requires the destruction of same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said city. Destruction of infected property.

4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within one mile thereof. Quarantine.

5. To require the owners of private drains, sinks or privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served, the city can have such work done, and costs of same shall be a lien on the property and taxed up against it and collected in such manner as the city council may determine. Sanitary regulations.

6. To prevent any person from bringing, depositing or having within the city limits the carcasses of any dead animal or other unwholesome substance or matter or filth of any kind, and to require prompt removal of the same and impose all necessary penalties for the enforcement of such powers. Bringing unsanitary substances into city.

7. To provide for the inspection of dairies, inside and outside of the city limits and doing business within the city, and to charge and provide license fees for inspection; to establish and maintain a standard of sanitary conditions governing dairies, inside and outside of the city, doing business within the city; to establish and maintain a standard of the quality of all dairy products sold in the city, and to provide for penalties for the violation thereof. Inspection and license of dairies.

8. To regulate, license or prohibit butchers and prevent their slaughtering animals in the city limits, and revoking their license Regulation of butchers and slaughterhouses.

for malconduct in trade, and to regulate, license and restrain the sale of fresh meats, fruits and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughterhouses within the city limits.

Unsanitary premises.

9. To compel the owner or occupant of any grocery, soap, tallow or candle establishment, or blacksmith shop, tannery, stable, slaughterhouse or other building, or sewer, privy, hidehouse or other unwholesome or nauseous place or house, to cleanse, remove, fill up, repair or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Removal of night soil.

10. The city of High Point shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city reasonable charges for the removal of night soil or other refuse matter from the closets or the premises thereof, and to prohibit anyone, except someone in the employ of the city or by the city authorized to do so, from removing or carrying away the contents of any privy, vault or water-closet or any receptacle of human excrement; and the city shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health; and for the purpose of making said inspection the officers or agents of the city duly authorized to do so shall have the right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the city the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the recorder's court, in any sum not less than one dollar nor more than two hundred dollars.

Inspection of premises.

Right of entry.

Cleansing inspected premises.

Penalty on persons failing to pay.

Police department.

SEC. 20. *Police Powers.*—The city of High Point shall have the power, by ordinance duly passed, to establish and maintain the city police department, prescribe the duties of policemen and regulate their conduct.

Public amusements.

2. To permit, forbid or regulate theatres, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety or good morals may demand.

Disorderly houses and variety shows.

3. To prohibit and punish keepers and inmates of bawdyhouses and variety shows; to prohibit, prevent and suppress assignation houses and houses of ill fame, and to determine such inmates and keepers to be vagrants, and to provide for the punishment of such persons.

Manufacture and sale of liquor.

4. To prohibit and suppress the manufacture and sale of spirituous, vinous or intoxicating liquors in the city or within one mile thereof.

5. To make all needful and proper regulations concerning keepers of taverns and other public houses, draymen, horse drivers and water carriers, omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles; to establish maximum rates for all kinds of transportation within the city limits; to prevent extortion and to preserve order and prevent noise and confusion in or about the depots on arrival and departure of railway trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depot, and where they shall stand when not receiving or discharging passengers.

Taverns, public houses and intramural transportation.

6. To provide and fix by ordinance public stands where hacks and drays, baggage wagons or other public carriers shall stand on the streets of said city for the purpose of soliciting business, and to prescribe that they shall not stand, excepting when discharging or receiving passengers or freight, at any points other than those designated in the ordinance as public stands.

Public stands for vehicles.

7. To suppress gambling houses and to punish keepers of gambling houses and pool sellers and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

Suppression of gambling houses and punishment of gamblers.

8. To provide for the regulation of bakers, and to prescribe the weight, quality and price for bread manufactured and sold in the city of High Point, according to the price of the material or otherwise; and to provide for the inspection of milch cows, whether kept within the city or without the city limits, from which milk is sold within the city limits, and to provide for the inspection of the milk offered for sale and to prescribe the fees to be charged therefor.

Bakers and bakeries.

Inspection of milch cows and milk.

9. To establish and regulate public grounds, and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinances regulating or prohibiting the same.

Public grounds and animals running at large.

10. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners or keepers thereof.

Tax and regulation of dogs.

11. To prohibit and restrain or regulate the rolling of hoops, the flying of kites and the firing of firecrackers, the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practice tending to annoy persons passing upon the streets or sidewalks or to frighten horses or teams.

Regulation of amusements tending to become annoyances.

Noises and performances.

12. To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods or other noises, practices or performances tending to the collection of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Beggars.

13. To prohibit beggars, mendicants or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of the said city, and to prescribe a penalty by fine for nonobservance thereof.

Bells, whistles and speed of locomotives.

14. To prohibit and regulate the ringing of bells and the blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed thereof.

Driving animals through city.

15. To regulate and control the driving of cattle, horses and all other animals into or through the city.

Breaches of the peace and disorderly conduct.

16. To prevent all trespasses and breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct, and to punish all persons thus offending.

Immoral theatrical representations.

17. To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

Removal of abandoned railroad tracks and restoration of streets.

18. To require, on due notice, all steam or street railway companies owning tracks within the city limits, upon the public streets or highways of said city, which may have been or may hereafter be abandoned by said companies by nonuse, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to its former condition.

Horse racing, immoderate driving or riding. Cruelty to animals.

19. To prohibit, prevent and suppress horse racing, immoderate driving or riding in the streets of said city.

20. To prohibit cruel treatment of animals and to punish the abusers of animals.

Horses attached to vehicles.

21. To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

Vagrants, mendicants, beggars and prostitutes. Sale of drugs.

22. To restrain and punish vagrants, mendicants, beggars and prostitutes.

23. To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine and the salts thereof.

License and tax of trades, professions and occupations.

24. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, brokers, money brokers, real estate agents, insurance agents, insurance brokers, auctioneers and all other trades, professions, occupations and callings of every kind; to license and regulate any itinerant or transient vendor of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers or scalpers or dealers in railway tickets, dealers in bankrupt or fire stocks or damaged goods

of any kind, secondhand dealers, pawnbrokers, junk shops or dealers in junk, and all other business or occupations whatever which in the opinion of the city council shall be the proper subject of police regulation; to require the person or persons or corporations pursuing any business or occupation mentioned in this section to give all bonds, in such amounts and under such conditions as the city council may prescribe; to require the keeping of books showing the transactions of any such business or occupation, and requiring the persons conducting such business or occupation to submit said books and their stocks to the inspection of the police at such times as may be prescribed by ordinance. No license shall issue for longer period than one year, and such license shall not be assignable, except by permission of the city council.

Regulation of
licensed business.

25. To license, tax, regulate, prevent or suppress peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows and amusements; to license, tax and regulate or prohibit theaters, circuses, moving-picture shows and exhibitions of common showmen and of shows of any kind, and the exhibitions of natural or artificial curiosities, menageries and musical exhibitions and performances, and to regulate and license or prohibit street parades, pool tables, striking machines, lung testers, doll racks, cane racks and exhibitions, devices and things for which a fee is charged.

License, tax and
regulation of
peddlers, pawn-
brokers and
shows.

26. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and to punish all persons thus offending.

Boxing matches,
sparring exhibi-
tions, cock and
dog fighting.
Firearms.

27. To regulate, control and prohibit the carrying of firearms and other weapons within the city limits, and to provide and inflict the same punishment therefor as is now or hereafter may be provided by State law against persons unlawfully carrying weapons.

28. To define what shall be nuisances in the city, and to abate such nuisances by summary proceedings, and to punish the authors thereof by penalties, fines and imprisonment.

Define and abate
nuisances.

29. To prohibit and punish by fine the willful introduction into the city by railroads or other carriers of paupers or persons afflicted with contagious diseases.

Introduction of
paupers and per-
sons with con-
tagious diseases.

30. To regulate parapet walls, to prevent dangerous construction and conditions of chimneys, fireplaces, hearths, stoves, stovepipes, boilers and other heating apparatus, and cause the same to be removed and made safe.

Parapet walls,
chimneys and
heating appa-
ratus.

31. To regulate the use of automobiles, motor cars, motorcycles or any motor vehicles and the speed thereof; to prescribe the proper lighting of same, when used at night; to issue permits for the use of such vehicles, and to require the numbering of said vehicles.

Automobiles and
other motor
vehicles.

32. To control and regulate the location and use of all kinds of steam engines and steam boilers in the city, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Steam engines
and steam boilers.

Building regulations. Erection of poles.	33. To inspect the construction of all buildings in the city, and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.
Enforcement of by-laws and ordinances. Proviso: minimum penalty.	34. The city shall have the power to enforce the by-laws and ordinances for the city by a fine not to exceed two hundred dollars (\$200): <i>Provided</i> , that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the State.
Public library.	SEC. 21. <i>Public Library</i> .—The city of High Point shall have the power to provide for, establish and maintain a free public library within the city, and to co-operate with any person, firm or corporation, under such terms as the city council may prescribe, for the establishment of such free public library, and to that end they shall appropriate, annually, out of the general revenue of the city as a fund for the support and maintenance of such public free library a sum not to exceed fifty-one-hundredths of one mill (.00050) of the assessed taxable values of the city for the current year: <i>Provided</i> , nothing in this section shall prohibit the city council from levying a special tax sufficient to maintain such public free library, by submitting the question to a vote of the qualified voters of said city.
Appropriation.	
Proviso: special tax for library.	
Free schools.	SEC. 22. <i>Public Free Schools</i> .—The city of High Point shall constitute an independent public-school district, for both white and colored, to be known and designated as the "High Point Graded-school District," subject to the general laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.
High Point graded-school district.	
Taxes and appropriations for schools.	
Appointment of school commissioners.	<i>School Commissioners</i> .—The commissioners to constitute the school board of said city, as constituted and established under the Public Laws of one thousand eight hundred and ninety-seven, chapter three hundred and ninety-two, shall be appointed by the
Powers and duties.	city council and shall have entire and exclusive control of the said school property, and shall employ and fix compensation of officers and teachers, and shall do all other acts that may be necessary, just and lawful for the successful management of the said graded schools: <i>Provided</i> , that the school commissioners now in office shall continue to serve till the expiration of their respective terms; and all vacancies caused by death, resignation or in any other manner shall be filled by appointment in the same
Proviso: commissioners now in office to fill terms.	
Vacancies.	manner for the unexpired term. The regular terms of members of the school board shall be three years, and the regular appointment of members shall be made at the first meeting of the council in June of each year or as soon thereafter as practicable, and the necessary number of school commissioners shall be appointed to take the places of those whose terms have expired.
Terms of office.	

How Funds are to be Paid Out.—No school funds shall be paid out except upon pay rolls or warrants signed by the chairman of the school board. No member of the school board shall receive any compensation for his services in any capacity whatever nor be interested directly or indirectly in any contract with or claim or demand of any character against the school board of the city of High Point. Any such contract, claim or demand shall be void, and any member of said board who shall become interested in any such contract, claim or demand, or shall buy or sell any school warrants or obligations of said school board, shall be subject to removal by the city council.

Warrants for school funds.

School board to serve without pay.

Not to be interested in contracts.

Contract void; commissioner subject to removal.

Financial Statement of School Board.—It shall be the duty of the school board to make a financial statement to the mayor of the city, on or before first day of June of each year, giving a full and complete report of their operations for the previous year. The provisions of chapter three hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-seven, as amended by chapter two hundred and seventy-nine, Public Laws of one thousand nine hundred and one, shall be considered a part of this act.

Annual financial statements.

Laws made part of act.

Sec. 23. *Franchises.*—The right of control, easement, user and the ownership of and title to the streets, highways and public thoroughfares and property of the city of High Point, its avenues, parks, bridges and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the city council and approved by the mayor; and no grant of any franchise or lease or right to use the same, either on, along, through, across, under or over the same, by any private corporation, association or individual, shall be granted by the city council, unless submitted to the vote of the legally qualified voters of said city, for a longer period than thirty years: *Provided, however,* that whenever application is made for any grant of franchise, lease, right or privilege in or to the streets and public thoroughfares of the city of High Point by any person or corporation, if they so request, the council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise; and at said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant, as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same to said election: *Provided,* that no grant shall be made or authorized for a longer period than fifty years.

Grants of franchises subject to vote of people.

Proviso: election called on grant of franchise.

Proviso: limit of time.

2. The city council may, also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the city of High Point to an election, at which the

Election called on motion of council.

- people shall vote upon the propositions therein submitted, the expense of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the council. The city council may, however, in their discretion, in the ordinance granting any franchise, contract with said corporation as to terms and conditions upon which such franchise is granted.
- Contract for grant of franchise.** 3. It shall be the duty of the city council, as soon as practicable after taking office, to have true copies of all franchises, permits, ordinances, orders, resolutions or any other proceedings by which any rights, privileges or franchises are granted to any company, corporation or individual owning or operating any gas, oil, street railway, steam railway interurban, electric light and power, telephone or any other public utility, to have same codified, indexed and printed and offered for sale at cost prices, and all future franchises shall likewise be printed and offered for sale at cost price.
- Codification of ordinances granting franchises.** 4. Any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the city or its suburbs shall be subject to the condition that the city council shall have the right to grant to any other person or corporation desiring to build and operate an interurban railway into the city of High Point the right to operate its cars over the tracks of said street railway, in so far as may be necessary to enter said city and to reach the section thereof used for business purposes: *Provided*, that the person or corporation desiring to operate its cars over the line of said street railway shall first agree in writing with the owner thereof to pay it a reasonable compensation for the use of its tracks and facilities; and if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation within sixty days from offering in writing to do so, and as to terms and conditions of the use of said track and facilities, then the city council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the council, when so made, shall be binding on and observed by the parties concerned.
- Conditions of grant of franchise to street railways.** *Provided*, that the person or corporation desiring to operate its cars over the line of said street railway shall first agree in writing with the owner thereof to pay it a reasonable compensation for the use of its tracks and facilities; and if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation within sixty days from offering in writing to do so, and as to terms and conditions of the use of said track and facilities, then the city council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the council, when so made, shall be binding on and observed by the parties concerned.
- Proviso: reasonable compensation.** 5. Every corporation holding a franchise or enjoying an easement of any sort through, under or from the city of High Point shall be required to prepare and file annually with the city council, at the same time as report is made to the corporation commission, a true, full and correct copy of said report. If any person signing such annual report shall willfully make a false representation therein he shall be guilty of perjury and punished therefor as provided by law. If any corporation required to file such report fails to do so within thirty days after written notice, such corporation shall be subject to a penalty of fifty dollars for each and every day said report is withheld.
- City council to fix terms.**
- Corporations holding franchise to make reports.**
- False representation in report perjury.**
- Penalty for failure to report.**

SEC. 24. *Referendum*.—Whenever application is made to the city council of the city of High Point for any such grant or franchise, lease or right to use the streets, public highways, thoroughfares or public property of the city of High Point, as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the city council proposing to make the grant of any franchise, lease or right to use the public highways, streets, thoroughfares and public property of the city of High Point, publication of said ordinance of such proposed grant or right to use the streets, public thoroughfares and highways of said city shall be made by publishing the ordinance as finally proposed to be passed, which shall not thereafter be changed, unless again republished, setting forth in detail all the rights, powers and privileges granted or proposed to be granted, in some daily newspaper published in the city of High Point, once a week for three consecutive weeks, which publication shall be made at the expense of the applicant or the person or persons desiring said grant; and no such grant shall be made or ordinance passed until after publication in the manner aforesaid, nor shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways or thoroughfares of the city of High Point take effect or become a law or contract or vest any right in the applicants therefor until after the expiration of thirty days after said ordinance has been duly passed by the city council and been approved by the mayor.

2. Pending the passage of any such ordinance, or during the time intervening between its final passage and approval by the mayor and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the city council to order an election, if requested so to do by written petition signed by at least five hundred legally qualified voters of said city, at which election the legally qualified voters of said city shall vote for or against the proposed grant, as set forth in detail by the ordinance conferring the rights and privileges upon the applicants therefor, which ordinance shall be published at length and in full in the call for said election made by the mayor; and if at said election the majority of the votes cast shall be for said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass, nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor; and it shall be the duty of the city council, after canvassing the vote of said election, to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

Publication of proposed ordinance granting franchise.

Election ordered on proposed ordinance granting franchise.

Votes

Effect of election.

Grants specifically forbidden otherwise than as authorized.

Proviso: side-track or switch privileges.

Contracts for personal service.

Contracts for supplies.

Appropriation for contracts.

Authentication.

Contracts to be approved by mayor and council.

Competitive bids.

3. No grant of franchise or lease or right of user upon, along, through, under or over the public streets, highways or public thoroughfares of the city of High Point shall be made or given, nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the city council; nor shall any extension or enlargement of any rights or powers previously granted to any corporation, person or association of persons in, upon, along, through, under or over the streets of the city of High Point be made except in the manner and subject to all the conditions herein provided for in this act for the making of the original grants and franchises: *Provided, however*, that the provisions of this section shall not apply to the granting of side-track or switch privileges to railway companies for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant; it being the intention to permit the city council to grant such privileges to railway companies whenever in their judgment the same is expedient, necessary or advisable.

SEC. 25. *Contracts for Service.*—No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city; nor shall the city of High Point or anyone acting for it make any contract for supplies for the current use of any department of the municipality for a longer period of time than ninety days, and, so far as practicable, all supplies purchased for the use of any or all of the departments of said city shall be made or let upon competing prices therefor.

2. No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts, whenever practicable, shall be upon specifications, and no contract shall be binding upon the city unless it has been signed by the mayor and countersigned by the auditor and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation no further contracts shall be signed by the auditor.

3. All contracts of whatever character pertaining to public improvements or the maintenance of public property of said city, involving an outlay of as much as two hundred dollars (\$200), shall be based upon specifications, to be prepared and submitted to and approved by the mayor and the city council, and, after approval by the mayor and city council, advertisement for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall be put in a daily newspaper published

in said city not less than ten times. All bids submitted shall be sealed, shall be opened by the mayor in the presence of a majority of the commissioners and shall remain on file in the city secretary's office and be open to public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid, but shall always in every advertisement of public work or contract involving as much as two hundred dollars (\$200), reserve the right to reject any and all bids. Pending the advertisement of the work or contract proposed, specification therefor shall be on file in the office of the city secretary, subject to the inspection of all parties desiring to bid: *Provided*, that nothing in this section shall be construed to prohibit said council from having work done by day labor or material purchased under such rules and regulations as said council may by ordinance prescribe.

Bids open to public inspection before award of contract.

Specifications to be on file.

proviso: day labor; purchase of material.

SEC. 26. *Elective Offices*.—All powers conferred on the city of High Point shall, unless otherwise provided in this charter, be exercised by a mayor and eight commissioners, two to be elected from the First Ward, two to be elected from the Second Ward, two to be elected from the Third Ward, two to be elected from the Fourth Ward, who, together, shall be known and designated as the city council, each and all of whom shall be elected by the qualified voters of the city at large, and shall devote as much of their time to the service of the city as shall be necessary for the prompt and efficient administration of the business affairs of said city. The mayor shall be *ex officio* president of said city council, and shall have and exercise all the powers of a member thereof, and the members of said council shall hold office for two years from and after the date of their election or until their successors shall have been duly elected and qualified.

Powers exercised by mayor and eight commissioners. Two commissioners from each ward.

City council.

Election by city at large.

Mayor *ex officio* president.

Term of members.

2. The mayor and other members of the city council elected under this act, and their successors in office, shall be held and deemed, in law and in fact, the successors of the present mayor and board of aldermen of the said city of High Point, and upon the qualification of the mayor and other members of the city council all the powers, rights and duties of the present mayor and board of aldermen of the said city shall cease: and from and after the passage hereof the said city council shall have and exercise all the rights, powers and duties of the mayor and board of aldermen of cities and towns as may be conferred by the laws and Constitution of this State, and shall have and exercise all the rights, powers and duties conferred upon them or either of them by the terms of this act.

Mayor and city council successors to present government.

City council to exercise rights, powers and duties.

3. The present mayor, board of aldermen, city attorney and other city officers, as composed under the charter of one thousand eight hundred and ninety-one, shall continue to serve until the

Continuance of present officers.

next city election, held as hereinafter provided in this act, and until the qualification of the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this charter contained.

Call for city election.

4. It shall be the duty of the present mayor, after this act becomes a law, to order an election to be held in the city of High Point by giving thirty days' notice thereof, which election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and nine, and at which election a mayor and eight commissioners, two from each ward, shall be elected by the city at large. If for any reason the mayor fails to make the said call for said election within twenty days after this act becomes a law, then it shall be the duty of the present board of aldermen, by a majority vote thereof, to issue said call for said election by giving thirty days' notice thereof. Said election shall be held as provided for herein, and the mayor and the eight commissioners so elected at said election shall hold their respective offices until the Tuesday after the first Monday in April, one thousand nine hundred and eleven, or until their successors are elected and qualified.

City elections.

5. On Tuesday after the first Monday in May, one thousand nine hundred and eleven, and in each second year thereafter, the city council shall cause to be held in the city of High Point an election for a mayor and eight commissioners, as provided for in paragraph one of this section, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, and who shall hold their respective offices for two years or until their successors are elected and qualified.

Voting places.

6. That in each ward of the city, as the same may be legally defined, there shall be established and arranged at least one voting place, and where two or more voting places are established they shall be located as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each voting place: *Provided*, the voter shall vote in the district or precinct of his residence.

Regulations concerning elections.

7. The city council shall make all necessary regulations concerning elections, the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities, in so far as the same may be practicable: and the city council shall provide for the examination and counting of the returns of elections, declarations of the result thereof, and the issuance of proper certificates to the successful candidates. The mayor and each of said commissioners, within ten days after the official announcement of his election, shall qualify as required by this charter and the Constitution and laws of the State, and failing to do so, his office shall become vacant.

Mayor and commissioners to qualify.

8. The city council may, consistent with the other provisions of this act and conforming to all the provisions of the State law regulating primary elections in cities and towns, in so far as the same be applicable, prescribe the manner and method of holding primary elections by all political parties or political organizations of any kind whatsoever, and to determine the rules that shall obtain with respect to the representation the respective parties or candidates may be entitled to at the polls; may prescribe an official ballot, official returns, etc., and the expense of all primary elections held for the purpose of nominating city officers shall be borne and paid for by the city of High Point.

Primary elections.

Expense of
primary elections
borne by city.

9. The several candidates for mayor, commissioners or for any other offices of the city to be filled at any election shall, at least five days prior to any election, file with the city secretary 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 secretary shall endorse on the back of such notice the date when it was filed in his office and shall preserve the same with the other records of the city. Any elector of the city shall have the right to inspect the same. It shall

Notice of can-
didacy.

be the duty of the said city secretary, within three days before any such election, to have printed the ballots to be used and cast by the electors in such election, which ballots shall contain the names of all the candidates who filed said written notice, as above prescribed; and there shall be printed on each ballot a square opposite the name of each candidate, all of which names, together with the offices for which they are respectively candidates, shall be printed on the same ballot; and no candidates for any office shall be voted for in any election who have not filed written notice in said secretary's office, as provided for in this act. The said

Printing of
ballots.

city secretary shall, not later than sunset the day preceding the election, deliver to each registrar three times as many of said printed ballots as the registration books shall show there are electors in such registrar's ward, and it shall be the duty of each of said registrars to have said ballots and tickets at his polling place at sunrise on the morning of the election, and to see that two of such tickets are given to every elector presenting himself to vote in said election; that it shall further be the duty of said registrar to have and keep 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. In the event any elector shall not be provided with a ticket or ballot by the registrar of his ward, upon his demand for same, such elector, if entitled to vote, shall have the right to prepare and write or have prepared and written his own ballot, and cast the same, if otherwise entitled to do so, and such ballot shall be counted; that such elector who shall upon his demand be furnished with a printed ballot, as in this act

Delivery of
ballots to regis-
trars.

Duty of registrars.

- provided, shall make a cross mark with ink or pencil in the square opposite the name of the candidate or candidates for whom he proposes to vote in said election, and shall deposit his ballot, so marked, in the ballot box, or cause the same to be deposited.
- Assistance in preparing ballots. If the elector cannot read or write, he may have one of the judges or registrars or any of the bailiffs or challengers, or, in case they refuse, then anyone else to prepare his ballot for him:
- Proviso: ballots not counted. *Provided*, that if any elector, by his ballot, votes for more persons than he is entitled to vote for, such ballot shall not be counted.
- Ballots to be preserved. 10. After said ballots shall be counted they shall be carefully preserved; and, together with the poll lists, which shall be signed by the judges of election, and the registration books, shall be delivered to the city secretary.
- Eligibility for city council. 11. Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of his election a qualified voter of the city of High Point, and shall not be in arrears in the payment of taxes or other liabilities due the city, and shall have been for three years immediately preceding such election a citizen of the city of High Point. No person shall be eligible to office who shall have been nominated in any primary election in a ward or precinct of the city or in any manner which will prevent the voters at large in said city from exercising the privilege of voting for or against said candidate.
- Persons nominated in ward or precinct ineligible. 12. The mayor shall be a member of the city council, with all the rights, powers and duties appertaining thereto. He shall be the chief executive officer of the city, and shall see that all the laws thereof are enforced. It shall be his special duty to see that the conditions of all franchises granted by the city are faithfully complied with, and that all contracts made with the city are faithfully executed.
- Mayor a member of city council. Duties. 13. In the case of the death, absence, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur, for any reason, the mayor *pro tem.* shall act as mayor, and shall possess all the rights and powers of the mayor and perform all the duties and receive his salary, under the official title, however, of "mayor *pro tem.*" until an election is ordered by the city council to fill the vacancy in the office of the mayor. Said election, should a vacancy occur in the office of mayor, shall be called by the city council and held within thirty days thereafter, and notice of publication be given for at least thirty days, as may be required by law: *Provided*, that in the event such vacancy should occur within ninety days of the next regular election to be held for members of the city council, said election for mayor shall be held at the next regular election.
- Mayor pro tem. to act as mayor. Election to fill vacancy. Proviso: vacancy within ninety days of election. Removal of mayor for cause. 14. In case of misconduct, inability or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the city council, by a majority vote of all the

commissioners elected, but shall be given an opportunity to be heard in his defense, in person or by counsel, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the mayor, shall be public. Hearing to be public. and a full and complete statement of the reason for such removal. If he be removed, together with the findings of facts as made by the council, shall be filed by the city council in the public archives of the city and shall be and become a matter of public record.

15. Every ordinance, resolution or motion of the city council shall, before it takes effect, be presented to the mayor for his approval and signature. If he approves it he shall sign it; if he disapproves it he shall specify his objections thereto, in writing, within two days, and return the same to the city council, with such disapproval. If he does not return it with such disapproval, nor sign it, it shall, after two days, be in effect and force, as if he had approved it. A veto by the mayor shall suspend the action of the city council for seven days, after which time the city council may pass the same over veto of the mayor by a two-thirds vote, but in all such cases the mayor shall not be deprived of his right to vote as a member of the city council by reason of such veto. In case the mayor's veto is sustained, the matter shall not again come before the city council within six months. In ordinances or resolutions making appropriations the mayor may veto any or every item therein, but such veto shall not extend to the items not vetoed, and those which he approves shall become effective, and those which he disapproves shall not become effective unless passed over his veto in the manner above specified. Approval of ordinances. Veto of mayor. Veto of items.

16. It shall be the duty of the mayor from time to time to make such recommendations to the city council as he may deem to be for the welfare of the city, and on the second regular meeting in May of each year, or as soon thereafter as practicable, to submit to the city council the annual budget or estimate of the receipts and expenses of the city for the fiscal year, each item in which may be increased, reduced or omitted by the council, subject to the veto power of the mayor. The mayor shall also make such recommendations to the city council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interests of the city. He shall also submit an estimate for a special contingent fund for the current year. The current fiscal year shall begin on the first day of May of each year and close with the last day of April next ensuing thereafter. Recommendations and budget submitted by mayor.

17. No member of the city council shall hold any other public office in said city or hold any office or employment, compensation for which is paid out of the city moneys; nor be elected or appointed to any office created by or the compensation of which was increased or fixed by the city council while he was a member thereof, until after the expiration of at least one year after he has Disabilities of members of council in holding city offices and dealings with city.

Contract to become void.	ceased to be a member of the city council; nor shall any member of the city council or any other officer of the city of High Point be pecuniarily interested, directly or indirectly, in any contract let by the city or Board of School Trustees of the High Point Graded-school District on any work done by the city, or Board of School Trustees of the High Point Graded-school District, nor in any manner wherein the rights or liabilities of the city of High Point are or may be involved. In the event any such officer of the city of High Point shall become interested, directly or indirectly, in any contract or work, purchase or sale made by the city of High Point, then said contract or work, purchase or sale shall become null and void and shall be discontinued, and new arrangements shall be entered into, as in case of the incipency
Officers interested in contracts to forfeit office.	of the contract or work, purchase or sale. Any member of the city council or any officer or employee of the city, becoming interested, directly or indirectly, as aforesaid, in any contract, work, purchase or sale by or with any of the agencies aforesaid shall forfeit all right or claim to the title and emoluments of any office which he may happen to hold in said city, and shall be expelled therefrom by the mayor or city council, or, if they shall fail to remove the said officer, employee or member of the city council guilty as aforesaid, he shall nevertheless be subject to removal, upon the action of any five citizens, taken in the Superior Court of Guilford County, in such proceedings as are appropriate and proper, and shall in addition be guilty of a misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of North Carolina.
Removal of officer.	
Misdemeanor or felony.	
Quorum.	18. A majority of the members of the council shall constitute a
Sessions to be open. Journals to be kept. Ordinances, resolutions or motions.	quorum to do business, and shall sit with open doors, and shall keep a journal of its own proceedings, which shall be public and constitute one of the archives of the city. The council shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriation. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require on final passage the affirmative votes of the majority of all the members of the city council. No ordinance or resolution shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the mayor, in writing: <i>Provided</i> , that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure.
Ayes and nays to be taken.	
Ordinances to lie over.	
Commissioner of finance and revenue.	19. The mayor, at the first meeting of the city council after election of its members, or as soon thereafter as may be practicable, shall appoint from among its members one commissioner, who

shall be known as "commissioner of finance and revenue," who shall also be mayor *pro tem.* and who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind, and the collection of all revenues belonging to said city, from whatever source the same may be derived, and who shall also examine into and keep informed as to the finances of said city; one commissioner, who shall be known as "police and fire commissioner," who shall have under his special charge the enforcement of all police regulations of said city and general supervision over the fire department thereof; one commissioner, to be known as the "commissioner of streets and cemeteries," who shall have under his special charge the supervision of the streets, alleys and cemeteries of the city, and be charged with the duty of keeping the streets, alleys and cemeteries in a clean, sanitary condition, and with the enforcement of all rules and regulations necessary to these ends, and who shall also have under his special charge the supervision of all street improvements, except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with; one commissioner, to be known as the "waterworks and sewerage commissioner," who shall have under his special charge the construction, maintenance and operation of the waterworks, sewerage system and departments of said city, and shall see to the enforcement of all regulations with respect to said department and with respect to all the revenues pertaining thereto; one commissioner, to be known as "commissioner of public buildings and property," who shall have charge of all public buildings and other public property of the city, and shall pass upon the erection of buildings of any and all kinds within the city limits, establish property lines and issue building permits and perform all duties in conformity with the State law regarding the erection and moving of buildings in the city; one commissioner, to be known as "commissioner of lights and lighting," who shall have charge and general supervision of lighting the streets, electric-light plants, gas plants and any other mode of lighting the city, and of all electrical wiring and insulating of wires, the erection of poles, the laying of gas pipes and all other matters pertaining to the efficient management of said department; one commissioner, to be known as "purchasing commissioner," who shall do the purchasing of all supplies for each department of the city, provided that no purchase shall be made for any department unless there is sufficient funds in the hands of the treasurer duly appropriated to meet the same; and one commissioner, to be known as "auditing commissioner," who shall have charge of the auditing department of the city and see that all accounts are correct and properly audited before being presented to the treasurer for payment. Said commissioners shall perform all of the executive duties of the respective depart-

Commissioner
mayor *pro tem.*
Duties.

Police and fire
commissioner.
Duties.

Commissioner of
streets and ceme-
teries.
Duties.

Waterworks and
sewerage com-
missioner.
Duties.

Commissioner of
public buildings
and property.

Commissioner of
lights and lighting.
Duties.

Purchasing com-
missioner.
Duties.

Auditing com-
missioner.
Duties.

Supervision and
responsibility of
council.

	ments to which they may be assigned, as above provided, but said council, as a whole, shall have supervision of and be responsible for the administration of each of said departments. The salary of the mayor shall not exceed five hundred dollars per year, payable in monthly installments, and each of said commissioners shall receive not to exceed two dollars (\$2) per meeting of council for not more than two meetings per month, said two dollars to be forfeited if the commissioner is not present to answer to roll call at the hour designated for each meeting.
Salary of mayor.	
Salary of commissioners.	
Forfeit.	
Statements to be published monthly.	20. The city council shall require a statement to be published monthly in the official newspaper of the city, showing a full, clear and complete statement of all taxes and other revenue collected and expended during the preceding month, indicating the respective sources from which the moneys were derived, and also indicating the disposition made thereof, and showing all disbursements during said period.
Mayor and commissioners to qualify.	21. Before entering upon the duties of their offices the mayor and each member of the city council shall take the oath prescribed by the Constitution of the State, and take oath also that he is not under direct or indirect obligation to appoint or elect any person to any office, position or employment under said government.
Laws and ordinances.	22. The city council shall be vested with the power and charged with the duty of adopting all laws and ordinances not inconsistent with the Constitution and laws of the State, touching every object, matter and subject within the purview of the local government instituted by this act.
Control and supervision of departments.	23. The city council shall have control and supervision over all the departments of the city, except as herein otherwise provided, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for and concerning the organization, management and operation of all the departments of the city and whatever agencies may be created for the administration of its affairs. They shall have power to create such offices as they may deem necessary for a prudent and successful administration of the affairs of the city, and to fix the salaries of the persons appointed thereto: <i>Provided</i> , that the term of any such office created by them shall never exceed the period of one year, and they shall have the power to abolish at any time any such office and to terminate the official duties and relations of the person occupying the same. All offices created by the city council shall be filled by a majority of all the members of said council. In the event any such office shall not be filled promptly by the council it shall be the duty of the mayor to make a temporary appointment of an officer <i>pro tem.</i> to discharge the duties of said position until one shall be elected by said council. Each member of the council shall have the right to propose and name the employees in the department or departments under his immediate supervision, but a majority of the council shall have the power to reject any such proposal and to discharge any officer or em-
Creation of offices.	
Salary.	
Proviso: limit of term.	
Majority vote.	
Temporary appointments.	
Department employees.	

ployee of the city, except the city attorney, recorder and auditor. All salaries and wages to be paid employees of the city, except as otherwise provided herein, shall be fixed and paid by the council, acting as a whole, and shall not become effective until at least five members of the council shall vote therefor.

24. The city council shall meet at least twice in every month in regular meeting, at such times as shall be fixed by said council, at the city hall in said city, to consider and take under advisement and act upon such business as may come before them. A majority of said council shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least three members of said council. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council. Special meetings may be called by the mayor or by any two members of the council at any time, to consider only such matters as shall be mentioned in the call for said meeting, and written notice thereof shall be given to each member of said council. All sessions of said council, whether regular or called, shall be open to the public.

25. It shall be the duty of the city council, on the second regular meeting in May, or as soon thereafter as practicable, to appropriate such sums of money, respectively, to each of the various departments of the city government as it may deem necessary for the maintenance and operation thereof during the current year. In addition to the departmental appropriations herein provided for, the council shall also make such appropriations for contingent purposes as may be deemed necessary.

26. The heads of departments created by the city council shall make a written report to the mayor, not later than the fifteenth day of April in each and every year, showing the operation of such department for the preceding year. These reports shall be transmitted to the mayor and shall accompany and be made a part of the mayor's report to the city council, which report shall not be made later than the first Monday in May in each year.

27. In making up the budget allowances for any current year the city council shall first make provisions for the payment of the interest, and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding indebtedness of the city, and make provision for the maintenance of the public-school system, as provided for in this act, and shall then make such appropriations as the remaining revenues of the city may justify, to be appropriated among the respective departments or otherwise appropriated for public uses, as to the city council may seem best: *Provided, however,* that in no case shall the entire appropriation so made, comprehending interest and sinking fund on

Salaries and wages.

Action concerning department of absent commissioner.

Special meetings.

Sessions open to the public.

Appropriations to departments.

Contingent appropriations.

Reports of heads of departments.

Making up budget.

Proviso: limit.

Appropriations exceeding probable revenue a malfeasance.

the bonded debt, and appropriations for all other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenue of the city derived from *ad valorem* taxes upon the basis of the total valuation of the property listed for taxation for the preceding year, and of such other contingent revenues of the city as will probably accrue. It shall be deemed a malfeasance for the city council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

Further powers of council in relation to officers.

28. The city council shall have the power from time to time to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers elected to any office under this act whose duties are not herein specially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said city by all officers for the faithful performance of their duties, and shall require a new bond from any officer whenever in the judgment of said council the existing bond is insufficient; and whenever such new bond is required he shall perform no official act until said bond shall be given and approved. The city council shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired time.

Bonds required of officers.

Vacancies.

Levy of taxes.

29. The city council, at its first meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this charter may be levied, assessed and collected at such times as the council in each case may prescribe. The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under this charter, and are hereby authorized and to that end may and shall have the full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collecting of any taxes provided for in this charter. Unless otherwise provided by this act, and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, in so far as applicable.

Collection of taxes.

Enforcement of collection.

Assessment of property.

Powers of council in relation to city finances. Appropriations.

30. The city council shall have the management and control of the finances of the city, except as otherwise herein provided. They shall have the power to appropriate money and provide for the payment of debts and expenses of the city; to provide by ordinances special funds for special purposes provided under the provisions of this charter, and to make the same disburseable only for said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance for the payment of any existing

and outstanding indebtedness and for the payment of any bonds that may from time to time be issued. The city council shall also have the power to fund or refund by ordinance the whole or any part of the existing debts of the city, or any future debt, by acquiring and cancelling the evidences thereof, and to issue other bonds in lieu thereof, either registered or coupon, bearing interest at a rate not greater than the original indebtedness, and to this end may apply the sinking fund belonging to any series of bonds so refunded, and may pay and retire any bond by using the sinking fund thereof.

31. Neither the mayor nor any member of the council nor any elective or appointive employee of the city shall be directly or indirectly in the employ of any person, company or corporation holding or seeking to hold any franchise of the city of High Point, or shall receive, directly or indirectly, any wage, commission, fee, gift, favor or payment from any such franchise holder; and a violation of this section shall, *ipso facto*, render vacant the position held by the person so violating it, and shall be punished as bribery. No member of the council or board of school commissioners or any other officer of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid out of the city treasury or by assessment levied by ordinance or resolution of the city council, nor be the surety of any person having any contract, work or business with the city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of said provision shall be void, and no member of the board of school commissioners shall be at any time during his term of office directly or indirectly interested in or in the employ of any school-book publishing or furnishing company or concern or school furniture company or concern.

32. The city council shall by ordinance adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualification and election of its members, including the mayor, and shall have authority to recount the votes for either of its members and to correct the result which may have been heretofore declared, in the event notice of a contest of any such election shall be given within thirty days after such election shall have been held. It shall also be the judge of the election and qualification of all other city officers subject to the provisions of this act applying thereto. It may punish members or other persons, during its sittings, by fine for disorderly conduct.

33. Each commissioner and the city secretary shall be and they are hereby authorized to administer oaths in the municipal affairs and government of the city.

Power to refund debts and issue bonds.

Connection of officers with holders of franchises forbidden.

Office vacated.

Punishable as bribery. Interest of officers in contracts or contractors with city forbidden

Contracts void.

Employment of school commissioners by book firms forbidden.

Powers of council in relation to its members.

In relation to other city officers.

Commissioners and secretary to administer oaths.

Vacancies

34. If a vacancy shall occur in the city council (excepting the mayor) or in the office of the city attorney, recorder or auditor, the council shall elect a person to fill the unexpired term of such office. In the event of a vacancy in the office of the city attorney or recorder which shall not be promptly filled as above provided, it shall be the duty of the mayor to appoint an officer *pro tem.* to perform the duties of such vacated office, which said *pro tem.* officer shall be entitled to receive the regular salary for said services for the time he shall perform them, and shall serve in said capacity until said office shall be filled in accordance with this act.

Appointment *pro tem.* by mayor.

Election of other officers.

SEC. 27. *Other Officers and their Duties.*—At the first meeting of the city council after their qualification, or as soon thereafter as possible, the city council shall elect by a majority vote the following officers, to-wit: a secretary, an auditor (who may be one and the same person), an attorney, a recorder, an assessor and collector of taxes, a treasurer, a chief of police, a chief of the fire department, an engineer (who shall also be the superintendent of streets), a superintendent of waterworks and sewerage, a sexton, and, if deemed necessary by the council, a health physician.

Duties of secretary.

2. *Secretary.*—It shall be the duty of the secretary to attend every meeting of the council and keep the minutes and records of all their proceedings in a well-bound book kept for that purpose, and he shall perform such other duties as may be required of him by said council, and shall receive such salary as may be fixed by the council.

Duties of treasurer.

3. *Treasurer.*—The treasurer shall give such bond as the city council may require, approved by the mayor and the commissioner of finance and revenue, said bond conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same, only on warrants drawn by the auditor and signed by the mayor and countersigned by the commissioner in whose department it properly belongs. All moneys belonging to the city and received by any officer or agent thereof, either from collections, fines or any other source whatsoever, shall be by him deposited with the said treasurer daily. For all moneys received the treasurer shall give duplicate receipts in all cases—one to the party paying the said money into the treasury and one to the auditor. All persons charged with the collection of any money under this act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the treasurer's receipt to the auditor, who shall countersign the original receipt and retain the duplicate, and the party paying shall then hold said original receipt. The treasurer shall render a full and correct statement of his receipts and payments to the city council at their first

Monthly statements.

regular meeting in each month and at such other times as any member of the council may require. The said treasurer shall make daily deposits of such sums of money as shall be received by him, from all sources of revenue whatsoever, to his credit as treasurer of said city, in one or more banks situated in said city, to be selected by the council; and any such bank, before any such deposit is made therein, shall be required to enter into an obligation with the said city council to pay into the treasury of said city interest at a rate to be fixed by said council, such rate of interest to be not less than two (2) per cent per annum, which interest shall be payable at the end of each month, based on the average daily balances for the month. The said city council, in the selection of any such depository bank, shall take into consideration the reputation and solvency thereof and the sufficiency of the security offered by such bank. All interest paid by any bank upon such balances shall be collected by the treasurer of said city and shall be by him reported in his next statement following such collection, and shall be considered and be treated as part of the general fund of such city, subject to use for any legitimate municipal purpose. The said treasurer shall do and perform such other acts as the city council may require of him, and for all such services shall receive such salary as may be fixed by the council, payable in equal monthly installments.

Deposits by treasurer.

Interest on deposits.

Other duties of treasurer.

4. *City Attorney.*—The city attorney shall receive such salary as shall be fixed by the city council at the beginning of his term, and said compensation shall not be increased or diminished during his term of office. He shall represent the city in all litigation and controversies, and, when requested by the city council or any member thereof, he shall, in writing, give legal advice on all questions that may be referred to him. It shall also be the duty of the city attorney to approve, in writing, all proposed ordinances before they shall be adopted, or to file with the city council, in writing, his objections thereto. It shall be his duty to draft all proposed ordinances granting franchises, and in the event he shall not approve any such proposed ordinances it shall be his duty to file with the city council, in writing, his objections thereto. It shall be the duty of said officer to inspect and pass upon all papers, documents, contracts and other instruments in which the city may be interested. He shall be the legal adviser of the mayor, the city council or any committee thereof, and all city officers or employees, with respect to any legal questions involving an official duty or any other matters pertaining to the affairs of the city of High Point. The city attorney shall perform such other duties as the city council may direct.

Salary of city attorney.

Duties.

Further duty of city attorney.

5. *Recorder's Court.*—There shall be a court for the trial of misdemeanor offenses, known as the "recorder's court," with such powers and duties as are herein defined. Said court shall be a Court of record, court of record and shall be presided over by a recorder, who

Recorder's court.

Court of record.

Recorder ex-officio justice of the peace.	shall be a man learned in law and who shall be a qualified voter of the city of High Point, and shall hold office for two years, unless sooner removed by impeachment. Said recorder shall be, <i>ex officio</i> , a justice of the peace, and before assuming the duties of his office shall take the usual oath required by law to be taken by justices of the peace, and also an oath to honestly and faithfully perform the duties of his office. The court shall hold daily sessions, Sundays excepted, at the city hall of High Point or other places designated by the city council, the first session to be held on the day after the expiration of the term of the present Mayor of High Point. Said court shall have final exclusive original jurisdiction of all misdemeanors occurring or committed within the corporate limits of the city of High Point or within one mile thereof, as follows, to-wit: of all offenses which are a violation of any ordinance now in force or which may hereafter be enacted by the city council, and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace. That in addition to the offenses above mentioned, the following crimes, to-wit: carrying concealed weapons; gaming; gambling; keeping gambling houses; keeping bawdyhouses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the articles does not exceed ten dollars; failure to list taxes; assault and battery with a deadly weapon or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against public health, as contained in the Revisal of one thousand nine hundred and five, from sections three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; and all crimes which, under the common law, are misdemeanors, wherein the punishment is in the discretion of the court, are hereby declared by this act to be petty misdemeanors, and final exclusive original jurisdiction thereof is hereby given to the recorder's court of the city of High Point.
Sessions of court.	In addition to the jurisdiction above mentioned the court is hereby given exclusive original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the limits of said city wherein the preliminary investigation thereof is now conferred on justices of the peace or on the Mayor of High Point. Warrants may be issued by the recorder of said court for any person or persons charged with the com-
Jurisdiction	
Crimes declared petty misdemeanors.	
Jurisdiction.	
Jurisdiction as court of preliminary investigation.	
Warrants of recorder.	

mission of any offense of which this court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Guilford County, and upon such appeal the trial in the Superior Court shall be *de novo*. In all cases heard by the recorder of the court established by this act, as committing magistrate, against any person or persons for any offense whereof the said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court for Guilford County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Guilford County to await trial as aforesaid. All costs or fees for the services of process or other services performed by sheriff or other lawful officer shall belong to and be the property of said sheriff or other lawful officer serving the same, as the case may be, and the same shall be paid to them by the proper authorities. All persons convicted in said court of any of the offenses mentioned in any section of this act shall be fined or imprisoned according to law, and any persons convicted of any offense shall pay the cost of the prosecution. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is fine or imprisonment, or imprisonment and costs, the recorder shall sentence the defendant to the county jail of Guilford County, to be worked upon the public roads of said county until such sentence has been complied with. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of the said court shall be the same as are now prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the Superior Court for the trial of criminal cases; and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure the defendant's appearance, and in default thereof the recorder shall commit such defendant to the common jail of Guilford County until such defendant shall give bond or be otherwise discharged according to law. Said court shall also have jurisdiction to try all actions for recovery of any penalty imposed by law or by this act, or by any ordinance of the city of High Point for any act done within said city, and in all cases where judgment may be entered against any person for fines or penalties, and the person against whom same is adjudged fails or refuses to pay such judgment, it shall be lawful for the recorder of said court to order and require said person to be worked on the public roads of Guilford County until, at a fair rate of wages, such person shall have worked out the full amount

Right of appeal.

Powers as committing magistrate.

Costs and fees.

Punishment.

Costs on conviction.
Convicts sentenced to road work.

Recorder to preside.

Proceedings.

Right of appeal.

Bond on appeal.

Jurisdiction for recovery of penalty.

Road work in payment of penalty.

Seal of court.	of such judgment and costs. Said court shall have a seal, with the impression "The Recorder's Court of the City of High Point," which seal shall be used in attestation of writs, warrants or other proceedings, acts, judgments or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina. The recorder may issue his process to the chief of police or to the city police of the city of High Point, or to the sheriff, constable or other officers of the county of Guilford, and such process, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law. Should the recorder be prevented from attending to his duties on account of sickness or other temporary disability or by absence from the city of High Point, then in that case the mayor shall, on such fact being made known to him, designate some justice of the peace or practicing attorney as a substitute recorder, who shall have all the jurisdiction, power and authority herein conferred upon the duly appointed recorder of said city. The recorder shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to clerks of the Superior Court; and all such costs or penalties which are or may be imposed by the ordinances of the city of High Point or the laws of the State, when recovered before the recorder, shall be paid by the clerk into the city treasurer's office, accompanied by an itemized statement showing when and from whom received and whether imposed and collected by way of cost or otherwise; and all fees allowed by law for an arrest or services or other process in a criminal action, when the same shall have been made by the sheriff, chief of police or other officer who is on a salary, and all other costs and penalties shall be paid over to the treasurer of the city of High Point for the use of said city and to reimburse it for the expenses of supporting said court; and it shall be the duty of the city treasurer to enter upon a book kept for that purpose by him a full and detailed statement of all moneys received by him on such accounts. All fines collected shall be paid to the county treasurer, as provided now by law. The city secretary shall be <i>ex officio</i> clerk of said court, or the city council shall elect one, in case he declines to accept the position, and, before entering upon his duties of said office as clerk, shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting for all moneys which may come into his hands as such clerk, and for all such services as clerk of said court his compensation shall be fixed by the city council. The salary of the recorder shall be fixed by the city council, and shall not be more than nine hundred dollars or less than three hundred dollars per annum, to be paid monthly
Process of recorder.	
Substitute recorder.	
Costs allowed recorder and clerk.	
Costs, penalties and fees to use of city.	
Accounts kept by treasurer.	
Clerk of court.	
Clerk to give bond.	
Compensation.	
Salary of recorder.	

by the city treasurer, and he shall receive no other compensation for his services, but all fees taxed as his costs shall be collected as provided by law and shall be paid to the treasurer of said city. Upon written complaint made to the mayor by the recorder that the chief or any member of the police force has failed or refused to perform any duty required of him by law, it shall be the duty of the mayor to immediately suspend such officer from service until the city council shall meet and take action in the matter. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial and punishment imposed, which said record shall at all times be open to and subject to inspection of the city council or other persons having business relations to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the docket kept by the clerk of the Superior Court. He shall also provide proper files to properly keep the records of all cases which shall be disposed of in the said court, and what disposition has been made of them. All judgments and orders of the recorder shall remain *in fieri* for ten days next after the day upon which said judgment or order is announced, and during that period the recorder shall have the power and authority to make such changes and modifications in said judgment or order as in his judgment are necessary or just, and with like effect as if made at the time of announcement of the original judgment or order.

6. *Chief of Police.*—The chief of police shall give bond, in such sum as the city council may prescribe, for the faithful discharge of the duties of his office and for a faithful account of all money that may come into his hands from fines, penalties and otherwise by virtue of his office. It shall be his duty to attend the recorder's court each day and report any violation of law or ordinance of the city, and shall promptly and faithfully execute all writs and processes issuing from said court. He shall be the chief police officer of said city and shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of the said city, and shall take into custody all persons so offending against the public peace, and shall have authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of disorderly conduct or any disturbance whatever. To prevent a breach of the peace or preserve quiet and good order, he shall have

Suspension of
police.

Records kept by
clerk of court.

Permanent
dockets.

Files.

Judgments and
orders in fieri.

Bond of chief
of police.

Duties.

Authority.

Further enumera-
tion of duties.

- authority to close any theater, ballroom, drinking house or any other place or building of public resort; and in the prevention and suppression of crime and the arrest of offenders within the city he shall have, possess and execute like power, authority and jurisdiction as the sheriff of Guilford County. He shall perform such other duties and possess such other powers, rights and authority, in addition to those herein provided, as the city council may require and confer upon him, not inconsistent with the Constitution and laws of the State of North Carolina and the provisions of this act. In case of the absence, sickness or inability to act of the chief of police, the police and fire commissioner shall have the power and it shall be his duty to designate some other member of said police department as acting chief of police during the period of such absence, sickness or inability to act of said chief of police. The salary of the chief of police shall be fixed by the council at the beginning of his term of office, and he shall receive no other compensation whatsoever for his services, but all fees now and heretofore prescribed to be taxed as his costs shall be paid to the treasurer of the city of High Point.
- Acting chief.
- Salary of chief.
- Duties of chief of fire department.
7. *Chief of the Fire Department.*—The chief of the fire department shall be charged with the duty of superintending and directing the extinguishing of fires and preservation and safe-keeping of all fire engines, hose and other apparatus used in connection therewith. He shall have the power and it is hereby made his duty to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen, and generally to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said city council deemed expedient.
- City engineer.
- Duty.
8. *City Engineer.*—The engineer of said city shall be a professional civil engineer, and it shall be his duty to ascertain the established monuments of said city, and from them to extend surveys thereof and establish others, and to locate and establish and survey all private property, streets and alleys within the corporate limits of said city, as defined in section two of this act, when so called on or required so to do. He shall also maintain the grade of all the streets and alleys in said city, and exercise general supervision and superintendence over all work undertaken on the streets, alleys and public squares thereof; make estimates and plans, give instructions as to grading or otherwise improving the same, and with respect to the construction of sidewalks so as to secure and preserve proper proportions and uniformity in the height and width thereof; and also to superintend and direct the construction of all culverts, bridges, drains, ditches and other improvements projected by said council. He shall also have and exercise general supervision over the construction of all railways

which may at any time be constructed through the streets of said city, requiring them to conform to the established grade, so as not to impede the use and passage of said streets. He shall receive Salary and fees. for his services a salary, to be fixed by the city council, and such fees as the council may by ordinance prescribe for making surveys and fixing boundaries of private property or other work, which fees shall be paid by the owners of such private property or other person as may be directed by the council, but in no event shall such fees be charged against or collected of the city for any work done by said engineer.

9. *Superintendent of Waterworks and Sewerage.*—The superintendent of waterworks and sewerage shall have charge of the city waterworks and city sewerage system and all property connected therewith. He shall inspect all parts of said waterworks and sewerage systems, and see that they are maintained in good condition for use and are being properly cared for, and that all employees of the waterworks and sewerage departments are attending to their respective duties. He shall keep in good repair the pumps, hydrants and all other waterworks and sewerage fixtures and property, and be under the direction and orders of the council. He shall employ all such laborers as may be necessary in said departments. He shall keep regular sets of books for waterworks and sewerage accounts, showing in detail the business transactions of his departments, and report to the commissioner of waterworks and sewerage at the beginning of each month the transactions of the preceding month, including a pay roll of all officers, agents and employees and a correct account of all collections, purchases, expenditures and approved claims entitled to payment. He shall inspect all water and sewerage plumbing and shall have supervision over the same. He shall have authority to enter all premises and inspect such connections and enforce all regulations of the council concerning the same, and shall perform all such other duties as the city council may prescribe by ordinance or resolution. He shall give a bond for the faithful performance Bond. of his duties, in such sum as the city council may require, and shall receive a salary of not less than one thousand dollars and Salary. not exceeding one thousand five hundred dollars per annum, payable monthly.

10. *Auditor.*—It shall be the duty of the auditor to superintend Duties of auditor. and supervise the fiscal affairs of the city, and to manage and conduct the same, as prescribed by this act. He shall receive Salary. for his services such salary as may be fixed by the city council, payable monthly, and shall give bond for the faithful performance Bond. of his duties, in such sum as may be approved by the mayor and commissioner of finance and revenue. It shall be the duty of the auditor to keep books of account of the city of High Point, and to make such financial reports and statements as are provided by the terms of this act. His books of account shall exhibit accurate Further enumeration of duties.

and detailed statements of all money received and expended for account of the city by all city officials and other persons, and shall show in detail the property owned by the city and the income derived therefrom. He shall also keep separate accounts of each and every appropriation made by the city council, showing the date thereof and the purpose for which the same is made, and shall show for what each payment of any public money is made and to whom same is made. He shall keep a separate account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular meeting of the city council to give such information concerning the finances of the city as the council may require. All warrants or orders for the payment of any public fund or moneys for any purpose shall be signed by the auditor and the mayor. No warrant not signed by the auditor shall be authority for the payment of any public funds whatever, but the auditor shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose: *Provided, however*, that nothing herein contained shall prevent the issue and sale of warrants to anticipate the current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding six per cent, as the city council may by ordinance prescribe. He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money unless the same be legal and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor. He shall, when deemed necessary, require all accounts presented to him for payment to be certified to by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded to them touching the correctness of any account or claim against the city. He shall require all persons who shall have received any moneys belonging to the city, and not having accounted therefor, to settle their accounts; and it is hereby made his duty from time to time to require all persons receiving moneys or having the disposition or management of any property of the city of which an account is kept in his office to render statements thereof to him: *Provided*, that no warrant or order shall ever be issued in favor of any person or corporation or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the city, unless such debt so due and owing to the city be paid. No disbursing officer of the city nor any one having money in his possession for the account of the city shall pay the same to any person or persons other than to the regularly designated officer or custodian of the public funds of the city, except upon

Separate accounts with departments.

Warrants and orders.

Proviso: warrants to anticipate revenue.

Interest.

Acts forbidden.

Further enumeration of powers and duties.

Payments by officers for account of city.

draft or warrant, countersigned by the auditor of the city of High Point and signed by the mayor; and the auditor shall not countersign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized and appropriation therefor duly made, and that the appropriation has not been exhausted.

11. *Annual Report.*—The city auditor shall, on or before the fifteenth day of April in each year, prepare and transmit to the city council a report of the financial transactions of the city during the fiscal year ending the last day of March next preceding, and of its financial condition on the said last day of March. The report shall contain an accurate statement of the financial receipts of the city from all sources, and the expenditures of the city for all purposes, together with a detailed statement of the debt of said city and the purpose for which said debt was incurred. In addition to the annual statement herein required, and of the reports which may be demanded by the council at any time, it is especially made the duty of the auditor to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the city of High Point; and if any officer of any department or any employee of the city shall fail to make such stated or stipulated reports as and at the times required, whether by the mayor or the city council, it shall be the duty of the auditor to report such delinquency or failure to the mayor.

Annual reports.

Reports other than annual statement.

Auditor to report delinquency.

SEC. 28. *Taxation.*—The city council shall have power and it is hereby authorized to levy, annually, for general purposes and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the city of High Point, and for paying the interest and making provision for the sinking fund on such future bond issues as may be authorized, an *ad valorem* tax on all real and personal property within the corporate limits of said city, as defined in section two of this act, and on all personal property owned by residents of said city, including money on hand, solvent credits and upon all franchises granted by the city to individuals or corporations, and upon all other subjects taxed by the General Assembly, a tax of not exceeding one dollar on every one hundred dollars appraised valuation of said property:

Taxing power.

Limit of rate.

Provided, however, that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity are hereby declared to be exempt from taxation; and *Provided further,* that twenty-five dollars' (\$25) worth of household and kitchen furniture belonging to each family in

Proviso: property exempt.

Proviso: household and kitchen furniture.

Poll tax.	said city shall likewise be exempt from taxation. The city council may also levy, assess and collect from each male citizen of the city from the ages of twenty-one to fifty years an annual poll tax of not exceeding three dollars (\$3): <i>Provided, however,</i> that all persons exempt from the payment of State poll tax under the general laws of the State or by virtue of the Constitution shall be exempt from the payment of the city poll tax. If for any cause the city council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then in that event the tax-levying ordinance last passed shall and will be considered in force and effect as the tax-levying ordinance for the year for which the city council failed to pass a tax-levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year.
Proviso: exemption from poll tax.	
Ordinances levying tax continuous.	
Advertisement for tax listing.	2. The assessor and collector of taxes, on the third Monday in May of each and every year, shall make advertisement in some newspaper published in the city, notifying all persons who own or have control of property liable to taxation by the city on the first day of June to return to him on or before the last day of June a list of their said taxable property. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the assessor and collector of taxes shall be sworn to before him in every case, and he is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, and a full and accurate list of all other stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State or ordinances of the city, according to my best knowledge, information and belief: so help me, God." From the returns so made, the assessor and collector of taxes shall within thirty days after the expiration of the term of taking said list make out in a book kept for that purpose an alphabetical list of all persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes, and the assessor and collector of taxes shall copy in said book the assessments made by the board of township assessors of all property within the city limits, which assessment may be revised, corrected or amended by the city council.
Tax lists.	
Form of oath.	
Tax books made out.	
Assessments,	
Lists of persons delinquent in listing.	3. The assessor and collector of taxes shall within thirty days from the return of the tax list make out, to the best of his knowledge and belief, by comparing his book with the returns made by the board of township assessors and by diligent inquiry from other sources, a list of taxable polls and owners of taxable prop-

erty in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum fixed by the council, not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties imposed by the city council, before the recorder or any justice of the peace.

Forfeit for failure to list

4. As soon as the assessor and collector of taxes shall have furnished the assessment roll, as provided, and the same shall have been revised by the board of appraisement, the city council shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the assessor and collector of taxes for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the assessor and collector shall receive for his compensation not exceeding two per cent on the amount collected.

Council to levy tax.

Collection of tax.

Compensation.

5. If any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the assessor and collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personal, and of thirty days if the property be realty; that when the tax due on any lot or other land (which is hereby declared to be in lieu of the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the council, together with a particular description of the real estate, and thereupon the council shall direct the same to be sold at the city hall door by the assessor and collector, after advertising for thirty days in some newspaper published in the city, which the assessor and collector shall do; and the assessor and collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the assessor and collector shall sell the whole; and if no person will pay the whole of the taxes and expenses of the whole land, the same shall be struck off to the city, and, if not redeemed as hereinafter provided, shall belong to said city in fee.

Collection by distress.

Report for sale of real estate.

Advertisement of sale.

Sale of land.

6. The assessor and collector shall return an account of his proceedings to the council, specifying the portions into which the land was divided and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of the proceedings of the council; and if there be a surplus after paying

Return of collector.

- said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.
- Power of redemption. 7. The owner of any land sold under the provisions of this charter, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes. If the real estate sold as aforesaid shall not be redeemed within the time specified, the city shall convey the same in fee to the purchaser or his assigns by a deed signed by the assessor and collector of taxes, attested by the city secretary and treasurer and with the corporate seal attached; and the recitals in such conveyance shall be *prima facie* evidence of the following facts: First, that the lot or lots or property conveyed was or were subject to taxation and assessment at the time of such sale and at the time taxes thereon were levied and assessed, and that such taxes were regularly levied and assessed in all respects according to law. Second, that such taxes were not paid, in whole or in part, at any time before such sale, and that a lien existed on the property conveyed in such deed for taxes. Third, that the real estate conveyed therein was advertised according to law. Fourth, that the property conveyed was advertised according to law, was regularly and lawfully sold for taxes, which were delinquent at the time of advertisement and sale. Fifth, when such property shall have been sold to the city of High Point or any other purchaser at such sale, either for general or special taxes, the title acquired by the city or such purchaser shall not be disputed by any person whomsoever or for any cause whatever, except upon tender to the city or purchaser of the taxes lawfully due on such property for which such sale was made, together with all accrued penalties and costs, as provided by this charter. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.
- Conveyance of property unredeemed.
- Recitals prima facie evidence: That lots were subject to tax.
- That tax was not paid.
- That sale was advertised. That sale was lawful.
- Tender of taxes in dispute of title.
- Sale of personal property.
- License or privilege taxes.
8. In addition to subjects listed for taxation, the city council may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the assessor and collector immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith levied upon and sold to satisfy the same, viz.: Upon all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding two hundred dollars per year, except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State, but not excepting vendors of medicine, by whomsoever manufactured; on every bowling alley and every billiard

table and every bagatelle table and every pool table, and every other table or gambling contrivance the object of which is gain and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance; on all keepers of eating houses or restaurants, fish or meats, vegetables, or bread stands or fruiterers, a tax not exceeding one hundred dollars per year; upon every company of circus riders who shall exhibit within the city or within one mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be double; upon every person or company exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight of hand performances, rope walking, tumbling, wire dancing, or menagerie, a tax not exceeding one hundred dollars for every day they exhibit; upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not exceeding fifty dollars, to be paid in advance; upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting; on every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars; on every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars (if drawn by more than two horses, a tax not exceeding fifty dollars); on all carriages, buggies, sulkies and other vehicles used in the city for the carriage of persons, a tax not exceeding fifteen dollars; on every dog, a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.

9. That taxes for city purposes shall be levied on all real and personal property, trades, professions, franchises, licenses and other subjects of taxation, as provided in section three, Article Five of the State Constitution. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a majority vote of the city council. The city council shall have the power to graduate any of the license taxes levied on trades or business by dividing the business into classes, according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class. Any person carrying on or practicing any business, profession, trade or avocation of any kind in the city upon which a license tax has been levied by said council, without first having obtained a license therefor, shall be guilty of a misdemeanor. It shall be the duty of the city council, in their levy of taxes, to make provision for paying the interest on the bonded debt of the city and for the payment of the said bonds as they fall due.

Subjects of taxation.

License tax graduated.

Carrying on business without license a misdemeanor.

Payment of interest and bonds

SEC. 29. *Board of Appraisalment.*—The city council, at their meeting prior to the month of August, may at their discretion ap- Board of appraisalment or equalization.

Duties.	<p>point a board of appraisement or equalization for said city, with power to administer oaths, composed of two members of said council and the assessor and collector of taxes or such other officer or employee designated by the city council to perform the duties of an assessor and collector of taxes, whose duty it shall be to meet and carefully examine said tax lists and properly and equitably adjust and equalize the taxable values thereon, either by reducing or increasing the assessment for taxation of any property listed thereon, or by supplying omissions therefrom, or by amending same in any other proper and just manner; said corrected or amended list, however, to be used as a basis only for municipal taxation, and the original or uncorrected list to be used for taxation for county and State purposes, without change, except as provided by the State revenue law, until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said city for municipal taxation may be had, said board of appraisement, hereinbefore in this section provided for, shall be allowed a period of sixty days within which to conclude its labors and make report of same to the city council, but said board shall continue for a period of one year as a standing committee, to which all matters relative to taxes shall be referred, and are hereby invested with full power and authority to summon and examine, on oath, any taxpayer in said city in regard to any property of said taxpayer which is or may be liable to municipal taxation, to subpoena and examine witnesses as may be thought proper, and to send for persons and papers: <i>Provided, however,</i> before the assessment of any taxpayer in said city shall be raised, notice of five days shall be mailed to such taxpayer notifying him to appear before said board and show cause why such valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in value by the board of appraisement to receive written notice of the proposed increase shall in nowise invalidate or effect the action of said board in increasing the valuation of said property, but it shall be presumed that the notice was sent as provided for herein. The members of said board shall not receive any further compensation for their services as members of said board of appraisement nor as members of said standing committee on taxes.</p>
Time for completion of work.	
Continuation of board.	
Power and authority.	
Proviso: notice to tax-payer.	
Preservation of tax list.	<p>2. The city council shall preserve said tax list among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the assessor and collector in collecting the taxes of said city. Said copy, or said copy amended, modified or changed, as hereinbefore provided, shall be delivered to the assessor and collector on or before the first Monday of September of each year, and he shall receipt for the same. The city secretary and treasurer shall endorse on said copy an order to said</p>
Order for collection.	

assessor and collector of taxes to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy, respectively.

3. Whenever it shall appear to the city council that property, Property escaping taxation. real or personal, has escaped taxation in the city for city purposes, on account of the failure of the owner of the property to list said property for taxation or for any other reason, it shall be the duty of the council to notify the said persons or corporation whose property has thus escaped taxation to appear before it, at a time and place mentioned in the notice, and show cause, if any there be, why the said owner should not be charged with the tax on the said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the city council shall hear and determine the matter, and if they find that the said property was liable for taxation and was not listed they shall direct the secretary and treasurer of said city to enter upon the tax books against the owner of the said property who should have listed it the taxes due for the years it escaped taxation, and the tax thus levied shall be charged up to the assessor and collector of taxes and shall be collected as other taxes against the owner who failed to list his property or whose property was not listed for any cause.

4. That from the decision of the city council the owner may Right of appeal. take an appeal to the next term of the Superior Court of Guilford County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay to the city of High Point all such judgments as may be had against him in the Superior Court upon such appeal, which bond shall in no case be less than fifty dollars.

5. A sale of personal property for delinquent taxes shall convey Sale of personal property absolute with it an absolute title, and the owner shall have no right to redeem the same.

6. All levies of *ad valorem* taxes heretofore made by the city of Previous actions validated. High Point and all assessments heretofore made and assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls.

7. In addition to the other modes of collection in this act provided, all taxes due the city, whether general or special, and all assessments for street improvements or otherwise may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments Further remedies for collection of money due to city

shall be taken as *prima facie* evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes or assessments due it, under judgment or otherwise. It shall be the duty of the mayor to attend such sales to make such purchases, if they be necessary. In any suit by the city of High Point for the collection of any delinquent tax, where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property, the city shall have the right to set up in its pleadings a good description of the property intended to be assessed, and to prove the same, and to have its judgment foreclosing its tax lien upon the same, and personal judgment against the owner for such taxes, the same as if the property were fully described upon the assessment rolls. No levy shall be made on any property belonging to the city, nor shall any levy be made upon the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxable by said city.

Control of tax lists.

8. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for inspection or correction, and any assessor and collector of taxes who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor.

Refusal to surrender a misdemeanor.

Personal property liable for taxes.

9. The personal property of all persons owing any taxes to the city of High Point is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

City hospital.

SEC. 30. *City Hospital*.—The city of High Point shall have the power to provide for, establish and maintain a city hospital within the city, and co-operate with any person, firm or corporation, under such terms as the city council may prescribe, for the establishment of such city hospital, and to that end they may appropriate annually out of the general revenue of the city a fund sufficient for the support and maintenance of such city hospital: *Provided*, the city council shall have the power, after first having been authorized to do so by a majority vote of the qualified voters of said city, to levy a special tax annually on the taxable values of the city for the support and maintenance of said hospital.

Proviso; authority from voters of city.

Application of general laws.

SEC. 31. *Miscellaneous*.—1. All questions arising in the administration of the government of said city, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

Pleading ordinances.

2. In all judicial proceedings it shall be sufficient to plead any ordinance of said city, by caption or by the number of action

thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form "by authority of the city council of the city of High Point" shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinance. Proof of ordinances.

3. All ordinances of the city of High Point not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended or repealed by the city council: *Provided*, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this act. Ordinances to remain in force.

4. No office provided for in this act not now already existing shall be held to be created until the same is established by an ordinance of the city council. Creation of offices.

5. This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence. Act deemed public.

6. The property, real or personal, belonging to the city of High Point shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city; but if the mayor of the city elects to do so, he may answer in a writ of garnishment for the city in his discretion. City property not liable to execution or garnishment.

7. In the event that any part, article, section or subdivision of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect, notwithstanding such holding. Parts of act if invalid.

8. Any officer of the city of High Point who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of said city shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court. Failure to turn over books or property a misdemeanor.

9. The city council shall have power, by a majority vote, to sell at public auction, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the city, and when so sold, a deed for the real estate may be executed by the mayor and attested by the city secretary or by two members of the council, with the corporate seal of the city attached: *Provided, however*, that this section shall not apply to plats in the cemetery, except as to the manner of executing deed. Power of council to sell property.

10. From and after the ratification of this act the same shall thenceforth be the charter of the city of High Point, and all Repealing clause.

laws now constituting the charter of said city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds and granting of franchises, and all laws of public and general nature inconsistent with or coming within the purview of this act are hereby repealed, as far only as they may affect the city: *Provided, however,* that such repeal shall not annul any ordinances, by-laws or rules of the city relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the city by its present name, from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the said city by the name of the city of High Point.

Ratified this the 27th day of February, A. D. 1909.

CHAPTER 396.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HALIFAX COUNTY TO ISSUE BONDS TO BUILD A NEW COURTHOUSE.

The General Assembly of North Carolina do enact:

Bond issue authorized. **SECTION 1.** That the Board of Commissioners of Halifax County
Purpose. hereby are authorized to issue coupon bonds of said county to
Amount. build a courthouse, in an amount not to exceed thirty thousand
Denominations. dollars, in denominations of not less than one hundred dollars
nor more than five hundred dollars, the number of said bonds to
be at the discretion of the said board.

Interest. **SEC. 2.** That said bonds shall bear interest at a rate not to exceed six per centum per annum, and the coupons attached thereto shall call for the payment of the interest thereon on the first days of January and July of each year.

Authentication. **SEC. 3.** Said bonds shall be signed by the chairman of the board
Maturity. of county commissioners and countersigned by their clerk, and shall be payable, as to the principal, in not more than twenty years from the date thereof, as shall be determined by said board of commissioners: *Provided,* said bonds may be issued so as to mature at different times, so that as near an equal amount of the principal may be paid in each year as is practicable.

Records to be kept. **SEC. 4.** That the clerk of the board of commissioners shall keep a book, in which he shall keep an account of numbers and denominations of said bonds, when each is payable and to whom

payable. Said clerk shall also keep an accurate account of the bonds and coupons attached thereto which shall be paid or canceled, so that by inspection of said book the true statement of the bonded debt of the county herein provided for may be readily ascertained. Said book shall be open to the taxpayers of said county at all times.

SEC. 5. Said coupons shall be receivable in payment of all county taxes. Accounts of bonds and coupons.
Coupons receivable for county taxes.

SEC. 6. That said bonds shall not be disposed of for less than their par value. Bonds not sold below par.

SEC. 7. That said commissioners, in every year in which they may deem it necessary, in order to provide for the payment of said bonds and coupons, are hereby authorized and empowered to levy a special tax of not more than ten cents on the one hundred dollars' worth of property and thirty cents on the poll, observing the constitutional equation in the levy thereof. Special tax authorized.

SEC. 8. That as soon as said bonds are issued, signed and countersigned, as hereinbefore provided, the said commissioners shall place the same in the hands of the county treasurer, who shall also countersign the same, and the said treasurer shall thereupon, under the direction of said county commissioners, sell and dispose of the same, as hereinbefore provided, making out and returning to the said commissioners an accurate statement of the number and denomination of the said bonds and to whom sold; and thereupon the said treasurer shall receive all the proceeds of the sale of said bonds, hold the same subject to the order and direction of said board of commissioners, and be responsible for the safe custody and keeping of said proceeds, as by law is now provided in case of other funds coming into his hands by virtue of his office. Deposit of bonds.
Sale of bonds.
Return of sales.

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

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 397.

AN ACT TO ALLOW THE COUNTY OF BEAUFORT, STATE OF NORTH CAROLINA, TO ISSUE BONDS TO BUILD ROADS AND BRIDGES.

Whereas the county of Beaufort has immediate need of money for the necessary expenses for the county of Beaufort, with which to finish and complete certain bridges, the construction of which has heretofore been authorized within said county of Beaufort, and to add to and improve same; and whereas the said county of

Preamble
Preamble
Preamble

Preamble. Beaufort has immediate need for money for the necessary and current expenses of the county, with which to perform and do certain necessary work on the roads of said county; and whereas it is necessary to immediately issue and sell bonds of said county of Beaufort, the proceeds to be used for the purposes aforesaid, to the amount of twenty-five thousand dollars (\$25,000); now, therefore,

The General Assembly of North Carolina do enact:

Issue and sale of bonds directed. SECTION 1. That the chairman of the said board of county commissioners and the clerk of said board be and they are hereby

Amount. authorized, instructed and directed to execute, issue and sell

Denominations. coupon bonds of the county of Beaufort in the sum of twenty-five thousand dollars (\$25,000). Said bonds shall be in denominations of not more than one thousand dollars (\$1,000) each and not less than one hundred dollars (\$100) each, as the purchaser or

Maturity. purchasers may desire; that said bonds shall run for a period of not less than thirty (30) nor more than fifty (50) years from the date thereof, and shall be dated the first day of February, one

Date. thousand nine hundred and nine, and shall bear interest at the

Interest. rate of five per centum per annum, interest payable semiannually on the first days of August and February in each and every year during the existence of said bonds. The principal and interest of said bonds shall be payable in gold coin, of the present standard of weight and fineness, of the United States of America, and shall be payable at such places within the United States of America as may be agreed upon and fixed by the board of county commissioners, which said place of payment shall be stated in said bonds so issued and the coupons thereto attached. Said bonds shall be signed by the chairman of the board of county commissioners and the clerk of said board, and shall bear thereon the seal of the county of Beaufort, and the coupons shall be signed by the chairman of the board of county commissioners. Said bonds shall be numbered and shall bear such other evidence of identification as may be fixed upon or agreed upon by the board of county commissioners, and shall provide that said bonds may be registered, if the purchaser so desires. The proceeds of said bonds shall be used only for the necessary current expenses of the county of Beaufort, for the purposes aforesaid—building and completing bridges within the county of Beaufort and for the purposes of maintenance and repairing the roads of the county of Beaufort—and shall be known as the "Beaufort County, North Carolina, road and bridge bonds."

Payable in gold coin.

Authentication.

Registered bonds.

Specific appropriation.

Special tax for interest and sinking fund.

SEC. 2. That the Board of County Commissioners of Beaufort County shall, annually, at the time of levying other taxes, levy a sufficient amount of taxes, not exceeding ten cents on the hundred dollars of the valuation of real and personal property

in said county, with which to pay the interest on the bonds here-
inbefore provided for, and to provide a sinking fund with which
to retire said bonds at maturity.

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

SEC. 4. This act shall be in force from and after its ratification.
Ratified this the 1st day of March, A. D. 1909.

CHAPTER 398.

AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT FOR THE COUNTY OF NEW HANOVER AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. A special court for the trial of petty misdemeanors ^{Special court}
committed in New Hanover County, and to be designated as the ^{established.}
"Recorder's Court of New Hanover County," is hereby created and ^{Designation.}
established.

SEC. 2. Said court shall be a court of record, and it shall be ^{Court of record.}
presided over by a recorder, who shall be a qualified voter of ^{Recorder.}
New Hanover County, and in his absence or sickness he may ^{Substitute}
appoint a substitute recorder, who shall possess the qualifications ^{recorder.}
of the recorder.

SEC. 3. Said recorder shall be elected at the regular election ^{Election of}
for county officers to be held in said county in one thousand nine ^{recorder.}
hundred and eleven and every two years thereafter. The term of ^{Term of office.}
office of the recorder elected as herein provided shall be two years.
Until said election is held, John J. Furlong is hereby appointed ^{Recorder named.}
recorder of said court. Said recorder herein appointed, and each ^{Recorder to}
recorder to be elected as herein provided, shall, before entering ^{qualify.}
upon the discharge of the duties, take and subscribe the oath
required of judges of the Superior Court, before the Clerk of the
Superior Court of New Hanover County, which said oath shall
be recorded by said clerk. The salary of the recorder shall be ^{Salary.}
twelve hundred dollars per year, to be paid monthly, out of the
funds and in the manner as herein provided.

SEC. 4. The court shall hold daily sessions, Sundays excepted. ^{Sessions of court.}
at the courthouse in New Hanover County, except when the
Superior Court shall be in session in said county, during which
time the session of said recorder's court shall be held at such place
as shall be provided by the board of commissioners of the county
of New Hanover; and it is hereby made the duty of the said
board of commissioners of the county of New Hanover to provide
a suitable place for the holding of the said courts during the

First session.	terms of the Superior Courts in New Hanover County. The first session of said court shall be held on the second Monday morning after the ratification of this act. The Secretary of State is directed, upon the ratification of this act, to forward a certified copy thereof to the board of commissioners of the county of New Hanover.
Secretary of State to send copy of act.	
Seal of court.	SEC. 5. Said court shall have a seal, with the impression "Recorder's Court of New Hanover County," which seal shall be used in attestation of writs, warrants or other proceedings, acts or judgments of said court, whenever required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.
Clerk of court.	SEC. 6. There shall be a clerk of said court, who shall be a qualified voter of New Hanover County and who shall be appointed by the recorder, and shall hold office two years. The salary of said clerk shall be fifty dollars per month, to be paid as hereinafter provided for the payment of the salary of the recorder of said court. Before entering upon the duties of his said office as such clerk, the clerk appointed, and his successor, shall enter into a bond, with good and sufficient surety, to be approved by the commissioners of New Hanover County, in the sum of fifteen hundred dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting of all moneys which may come into his hands as such clerk; and said clerk appointed, and his successors, shall, before entering upon the discharge of their duties, take and subscribe the oath now provided by law for clerks of the Superior Court, before the Clerk of the Superior Court of New Hanover County, who shall record said oath. Said clerk shall be, <i>ex officio</i> , a justice of the peace, and shall have powers to issue warrants during the recess of the court.
Appointment.	
Term.	
Salary.	
Clerk to give bond.	
Clerk to qualify.	
Clerk ex officio justice. Power to issue warrants.	
Attorney.	SEC. 7. That the commissioners may appoint an attorney, who shall act upon request of the recorder, and his pay shall be fixed by the county commissioners.
Pay.	
Jurisdiction.	SEC. 8. The jurisdiction of said court shall be as follows:
Violations of city ordinances.	(a) Said court shall have final exclusive original jurisdiction of all violations of city ordinances committed within the limits of the city of Wilmington.
Criminal offenses within justice's jurisdiction.	(b) Said court shall have final concurrent original jurisdiction of all criminal offenses committed within New Hanover County which are now or may hereafter be within the jurisdiction of the justices of the peace.
Offenses enumerated and declared petty misdemeanors.	(c) Said court, in addition to the jurisdiction conferred in subsections (a) and (b) of this section, shall have final, exclusive, original jurisdiction of the following criminal offenses, to-wit: carrying concealed weapons; gaming; gambling; keeping gambling tables and houses; keeping bawdyhouses and disorderly houses; larceny and receiving stolen goods, knowing them to be stolen,

where the property stolen does not exceed twenty dollars in value; for failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by a false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public health, as contained in the Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars or imprisonment for one year, or both, and all crimes which at common law are misdemeanors, wherein the punishment is in the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment therefor shall be as now prescribed by law.

(d) In all cases heard by justices of the peace in said county against any person or persons for any offense included in subsection (c) or section eight of this act, in which probable cause of guilt is found, such person or persons shall be bound in a suitable recognizance, with sufficient surety, to appear at the next succeeding term of said recorder's court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of New Hanover County, awaiting trial.

Persons bound over to recorder's court.

(e) In any criminal matter wherein said court has not final jurisdiction, as hereinbefore granted and conferred, it shall have power and it is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed within the county of New Hanover, whereof the preliminary investigation is now conferred on justices of the peace or the Mayor of Wilmington, and to render such judgment in such matters as now provided by law: *Provided*, that any case where prosecution has been commenced prior to the ratification of this act, the court in which said prosecution has been instituted shall have jurisdiction thereof; and any and all cases heard by the recorder of the court established by this act, as committing magistrate, against any person or persons for any offense whereof said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound on bond or recognizance, with sufficient surety, if

Jurisdiction as court of preliminary investigation.

Proviso: prosecutions already instituted.

Recognizance or bond to superior court.

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

Convicts to be sentenced to roads.

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

Warrants.

(g) Warrants may be issued by the recorder or clerk of said court for any person or persons charged with the commission of any criminal offenses of which the said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the Superior Court of New Hanover County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Offenses heretofore committed.

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

Costs of serving process.

SEC. 9. The costs of serving warrants, subpoenas and other process issued by said recorder's court shall be the same as now fixed by law, and shall be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses and for making up bill of costs, and for any other process or writ issued by said court or services performed by said clerk or other salaried officer of the city of Wilmington or county of New Hanover, for which a fee is now prescribed by law, shall be the same as now fixed by law for justices of the peace and clerks of the Superior Court in similar cases; and every defendant convicted, adjudged guilty or who pleads guilty in said court shall be taxed with the costs of the prosecution, as now prescribed by law; and all such costs recovered and collected in said court, except costs due to the sheriff, constable or special deputized officer, shall be paid on Monday of each week by the clerk of said court to the Treasurer of New Hanover County, who shall keep a separate account thereof, and who shall report to the board of commissioners of the county of New Hanover on the first day of each month the amount paid in by the said clerk. The said clerk shall file with the board of commissioners of the county of New Han-

Fees.

Defendant convicted taxed with costs.

Costs to county treasurer.

Separate account and report.

Itemized statement from clerk of court.

over on the first day of each month an itemized statement of all costs collected by him and paid to the treasurer of the county of New Hanover for the month preceding. Out of the fees so paid to the treasurer of the county by the clerk of said court there shall be paid, monthly, if the same be sufficient, the fees for which the county may be liable and the compensation of the prosecuting attorney and the salary of the clerk of said court, the expense of stationery, books, files, dockets and other such expenses of said court. If the fees so collected and paid to the treasurer of the county of New Hanover shall be insufficient to pay the salary of said recorder and the said clerk and the expense of said court and the compensation of the prosecuting attorney, then the difference shall be paid by the board of commissioners of the county of New Hanover out of the general funds of said county. If the fees at the end of each year shall be in excess of the salary of the recorder and of the clerk and the compensation of the prosecuting attorney for the year and the expenses for stationery and other expenses of said court, the said excess shall be paid by the treasurer of the county of New Hanover, one-half to the treasurer of the city of Wilmington and the other half retained by the said treasurer and credited to the general county fund of the county of New Hanover. The clear proceeds of all fines collected by the clerk of said recorder's court shall be paid to the treasurer of the county of New Hanover and held by said treasurer for the purposes now provided by law.

Application of fees.

Deficit supplied from general funds.

Division of surplus.

Fines paid to treasurer.

SEC. 10. The warrants, subpœnas and other process issued by said recorder's court shall be directed to the sheriff or other lawful officer of New Hanover County, and service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county or any policeman of the city of Wilmington or, in the absence of such officers, by any person specially deputized by the recorder or clerk, in writing, to make said service and said warrants, subpœnas and other process of said court, when attested by the seal of said court, and shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

Issue and service of process.

Process to run.

SEC. 11. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the recorder of said court shall sentence the defendant to be worked upon the public roads of the county of New Hanover or the county farm of said county until such sentence has been complied with, and the clerk of said court shall issue a commitment of the defendant in accordance with the judgment of said court.

Convicts sentenced to road work.

SEC. 12. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of such court shall

Recorder to preside.

Proceedings.

- Right of appeal. be the same as are now prescribed for justices of the peace; and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to the ensuing term of the Superior Court of said county for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to be fixed by the said recorder, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of New Hanover County until said defendant shall give bond or be otherwise discharged according to law.
- Bond on appeal. Court of said county for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to be fixed by the said recorder, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of New Hanover County until said defendant shall give bond or be otherwise discharged according to law.
- Jurisdiction for recovery of penalties. SEC. 13. Said court shall also have jurisdiction to try all actions for the recovery of any penalties imposed by law or this act or by any ordinance of the city of Wilmington for any act done within said city of Wilmington contrary to law or said ordinances, and said penalty shall be recovered in name of the said county of New Hanover.
- Records to be kept by clerk. SEC. 14. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act; and said record shall show the name and residence of such offender and the nature of the offense, the date of trial and punishment imposed, which record shall at all times be open to and subject to inspection by the board of commissioners of the county of New Hanover and other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep all records of all causes which shall be disposed of in the said court and what disposition has been made of them.
- Permanent docket. SEC. 15. All offenses which have heretofore been heard and tried by the mayor of the city of Wilmington shall, after this act goes into effect, be tried by the recorder appointed in this act and any recorder who may succeed the recorder appointed herein; but no cases which are pending in the Superior Court of New Hanover County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court; and all cases pending before a justice of the peace of New Hanover County shall be tried and disposed of by the court of said justice of the peace in accordance with the law as it existed at the time of the ratification of this act.
- Files. SEC. 16. That the recorder and substitute recorder of said court shall not by virtue of his said office be prevented from conducting any other business or practicing his profession; that the clerk of said court shall not be deprived of engaging in other business, the duties of which will not interfere with the performance of the duties of his said office as clerk.
- Offenses tried before mayor. SEC. 17. That the recorder and substitute recorder of said court shall not by virtue of his said office be prevented from conducting any other business or practicing his profession; that the clerk of said court shall not be deprived of engaging in other business, the duties of which will not interfere with the performance of the duties of his said office as clerk.
- Pending cases. SEC. 18. That the recorder and substitute recorder of said court shall not by virtue of his said office be prevented from conducting any other business or practicing his profession; that the clerk of said court shall not be deprived of engaging in other business, the duties of which will not interfere with the performance of the duties of his said office as clerk.
- Court officers may have other business. SEC. 19. That the recorder and substitute recorder of said court shall not by virtue of his said office be prevented from conducting any other business or practicing his profession; that the clerk of said court shall not be deprived of engaging in other business, the duties of which will not interfere with the performance of the duties of his said office as clerk.

SEC. 17. In the absence of the recorder from the city of Wilmington, or in the event of sickness or disability to hold daily sessions of said court, the court shall be presided over by the substitute recorder appointed as herein provided, and he shall have all the powers and perform all the duties of the same as the recorder. His compensation shall be four dollars per day, to be paid out of the salary of the recorder. Substitute recorder.
Compensation.

SEC. 18. The recorder, substitute recorder and clerk of said court may each be removed from office by the Board of Commissioners of New Hanover County, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality or incompetency and continued neglect of the duties of his office, and if either of said officers should be removed the said board of commissioners of New Hanover County shall elect his successor for the unexpired term. Removal for cause.

SEC. 19. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 20. This act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 399.

AN ACT TO AUTHORIZE THE ISSUE OF STATE BONDS TO PAY OFF THE STATE BONDS WHICH FALL DUE ON THE FIRST DAY OF JULY, 1910.

Whereas, by virtue of chapter ninety-eight of the Public Laws of one thousand eight hundred and seventy-nine, ratified the fourth day of March, one thousand eight hundred and seventy-nine, the State of North Carolina issued a series of State bonds, called the "consolidated-debt bonds," and whereas the said bonds to the amount of three million four hundred and twenty-seven thousand dollars (\$3,427,000) are now outstanding and will mature on the first day of July, one thousand nine hundred and ten: now, therefore, Preamble: consolidated debt bonds.
Preamble: amount.
Maturity.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off the consolidated debt bonds of the State, issued by virtue of chapter ninety-eight of the Laws of one thousand eight hundred and seventy-nine, which bonds are now outstanding in the sum of three million four hundred and twenty-seven thousand dollars (\$3,427,000), and will mature on the first day of July, one thousand nine hundred and ten, the State Treasurer is hereby authorized and directed to issue Purpose of issue.
Bond issue authorized.

Maturity.	bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and ten, to an amount not to exceed the sum of three million four hundred and thirty thousand dollars (\$3,430,000).
Amount.	
Interest	SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of July, one thousand nine hundred and ten, until paid, which said interest shall be payable semiannually on the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid.
Denominations.	SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denomination of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the great seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be most effectual to secure the best price. He is authorized to accept bids for the entire issue or of any portion thereof, and where the conditions are equal he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as in his judgment will produce the best price. Any balance left in the hands of the State Treasurer from the sale of said bonds, after paying the said consolidated-debt bonds and the costs of issuing the bonds herein provided for, shall be covered into the general fund.
Authentication of bonds.	
Authentication of coupons.	
Coupons receivable for dues to State.	
Advertisement for sale.	
Sealed bids.	
Bids.	
Preference to citizens.	
Balance to general fund.	
Exemption of bonds and coupons from taxation.	SEC. 4. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.
Bonds lawful investment for fiduciaries.	SEC. 5. It shall be lawful for all executors, administrators, guardians and fiduciaries generally to invest in said bonds.

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

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 400.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT
STENOGRAPHERS FOR THE COUNTIES OF SWAIN, HAY-
WOOD, JACKSON AND TRANSYLVANIA.

The General Assembly of North Carolina do enact:

SECTION 1. That any judge holding either a regular or special term of the Superior Court for the counties of Swain, Haywood, Jackson and Transylvania may employ a stenographer for the term or terms of court so held by him in the counties of Swain, Haywood, Jackson or Transylvania to attend said regular or special term or terms of said court, and said judge shall fix the compensation therefor, to be paid out of the treasury of said respective counties. Judge authorized to employ stenographer. Compensation.

SEC. 2. No person shall be appointed stenographer for said court unless he or she is able to write at the rate of at least one hundred and twenty-five words per minute for five consecutive minutes, from matter not previously written by or known to him or her; and such stenographer shall take and subscribe an oath faithfully, correctly, honestly and conscientiously to discharge the duties of the office of court stenographer as prescribed by this act. Capacity of stenographer. Stenographer to qualify.

SEC. 3. Such stenographers shall take full stenographic notes of every case tried or heard during said term of said Superior Court, of all oral testimony, the admissions by either side, the objections to the introduction of testimony, the rulings of the court thereon and the exceptions taken to such rulings, all motions heard and passed upon by the court upon matters controverted by parties, and the charge of the court to the jury; and shall take notes of all documentary evidence introduced by either party, and of all other proceedings, such as the court may direct. The judge shall not be required to take any notes of the evidence; and whenever required by the judge the stenographer shall read the notes to the jury. Duty of stenographer. Judge not required to take notes.

SEC. 4. In all cases on appeal to the Supreme Court, and in all other cases, unless otherwise ordered by the judge presiding, said stenographer shall within five days from the rising of the court furnish to the judge presiding and counsel for each party one typewritten copy of the entire record as reported by him. The copy so furnished the judge presiding shall be preserved by him and shall be used in making up the case for 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. Record on appeals Charge for copy.

SEC. 5. Should the presiding judge deem it necessary for the expedition of the business in civil cases, and counsel for both sides should so consent, he may appoint a stenographer to assist the stenographer so appointed by him as aforesaid: *Provided*, that Assistant stenographer. Proviso: pay of assistant.

the plaintiffs and defendants, in addition to the fees hereinafter provided, pay the compensation of such stenographer appointed as aforesaid, but in no case shall such compensation be paid by the county.

Fees taxed as costs.

SEC. 6. To reimburse the county for the expenditure required by this act, there shall be taxed by the clerk of the court and paid to the county treasurer a fee of five dollars as a part of the costs in all civil actions wherein a jury is impaneled; and in all criminal actions wherein a jury is impaneled there shall be taxed as a part of the costs and paid to the county treasurer a fee of three dollars, except that in cases of capital felonies the fee shall be twenty dollars; and in any case where a jury trial is waived, and it is necessary for the judge presiding to have the stenographer take evidence of his findings of fact, his honor shall fix the fee and tax same as a part of the costs.

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

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 401.

AN ACT SUPPLEMENTAL TO HOUSE BILL 1582, SENATE BILL 1015, RATIFIED FEBRUARY 26, 1909, ENTITLED "AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF NORTHAMPTON COUNTY AND TO LEVY A SPECIAL TAX THEREFOR, AND TO REPEAL CHAPTER 538 OF THE PUBLIC LAWS OF 1903."

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill one thousand five hundred and eighty-two, Senate Bill one thousand and fifteen, ratified February twenty-sixth, one thousand nine hundred and nine, entitled "An act to provide for the working of the public roads of Northampton County and to levy a special tax therefor, and to repeal chapter five hundred and thirty-eight of the Public Laws of one thousand nine hundred and three," be amended by striking therefrom section twenty-four and inserting in lieu thereof the following: "Sec. 24. That this act shall be in force from and after April first, one thousand nine hundred and nine."

When act effective.

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

Ratified this the first day of March, A. D. 1909.

CHAPTER 402.

AN ACT TO INCORPORATE THE CAROLINA RAILWAY AND POWER COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. E. Latham, of Greensboro, North Carolina; Corporators.
T. A. Hunter, of Greensboro, North Carolina; Thomas S. Beall,
of Greensboro, North Carolina; W. A. Blair, of Winston, North
Carolina; R. B. Horne, of Winston, North Carolina; B. S. Womble,
of Winston, North Carolina; C. F. Tomlinson, of High Point, North
Carolina, and S. H. Tomlinson, of High Point, North Carolina, and
their associates, successors and assigns, be and they are hereby
declared a body politic and corporate, under the name and style Corporate name.
of the "Carolina Railway and Power Company," and by that name Corporate rights.
shall have perpetual succession, and sue and be sued, plead and be
impleaded, make and use a corporate seal and alter the same at
pleasure, contract and be contracted with, and shall have and
enjoy all the rights and privileges reasonably incident and neces-
sary for the purposes of this act, as well as to enjoy all the rights
and immunities which corporate bodies may now or hereafter law-
fully exercise under the laws of the State of North Carolina,
and may make necessary regulations for its government, not in-
consistent with the laws of the United States or of the State of
North Carolina.

SEC. 2. The capital stock of said company shall be five hundred Capital stock.
thousand dollars (\$500,000), which may be increased from time to Increase of
time by proper corporate action of its stockholders to an amount capital.
not exceeding ten million dollars (\$10,000,000), to be divided into Shares of stock.
shares of the par value of one hundred dollars (\$100) each:
Provided, such increase of capital stock shall be made upon ap- Proviso: pro-
plication to the Secretary of State and lawfully granted by him, cedure for
such application to be accompanied by a receipt from the State increase of stock.
Treasurer for the tax prescribed in section five thousand one hun-
dred and ninety, Revisal of one thousand nine hundred and five,
for increase of capital stock. Each share subscribed shall be Stock votes.
entitled to one vote in all the meetings of the stockholders of said
company; and when five thousand dollars (\$5,000) of the common Time for organ-
capital stock shall have been subscribed for the corporation may ization.
organize and begin business, with all the powers with which
it is chartered. Of the remaining capital stock which may be Preferred stock.
issued, not more than fifty per cent thereof may, at the option
of the stockholders, from time to time be issued as preferred stock,
with such powers, privileges and preferences as to dividends and
assets, rights, limitations and restrictions as the stockholders by
proper corporate action may determine: *Provided, however*, that Limit of preferred
stock.

at no time shall the corporation have issued and outstanding preferred stock in an amount exceeding fifty per cent of the common stock actually issued and outstanding.

Payment of subscription.

SEC. 3. Subscriptions to the capital stock may be made and paid in money, lands, material or services, or other things of value necessary to the uses of the corporation, or in bonds, stocks or other valuable securities, in such manner and on such terms as may be agreed upon by the corporation, through its board of directors. All the stock issued by the corporation in payment of any subscription or purchase of real estate, or personal property necessary for the uses and purposes of the corporation, or for work, labor or services performed or materials furnished to or for the corporation shall be full-paid stock, and when so issued shall not be liable for any other call; neither shall the holder thereof be liable for any further payments; and in the absence of actual fraud the judgment of the directors as to the value of the property or the labor or services performed or materials furnished, for which the capital stock of the company may be issued, shall be conclusive; and in all statements and reports of the corporation required to be filed by the laws of the State of North Carolina this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

Objects of corporation.

SEC. 4. The objects for which said corporation is established are: to generate, sell and distribute electric current, and to supply light, heat and power, electrical or otherwise, to individuals and corporations, private or municipal; to construct, maintain and operate railways, flumes, telegraph and telephone lines or other means of transportation or communication; to encourage, promote, operate and maintain manufacturing enterprises, mines, hotels, industries and business of any kind whatsoever, and works of internal improvement or public use or utility, and generally to develop in every way the resources of any and all land acquired by the said corporation or belonging to others.

Powers specifically granted.
Powers specifically granted not to limit general powers.

SEC. 5. In furtherance of the objects and purposes hereinbefore stated, the said corporation shall have the following powers (it being hereby expressly provided, however, that the said powers herein specifically enumerated shall not be held to limit or restrict in any manner the general powers conferred by the laws of the State of North Carolina in chapters twenty-one and sixty-one of the Revisal of one thousand nine hundred and five of North Carolina and the laws amendatory thereof, or elsewhere), that is to say:

Rights as power company.

a. To supply to the public, including both individuals and corporations, whether private or municipal, within the State of North Carolina and elsewhere, power in the forms of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms or any other forms for use in driving machinery, and for light,

heat and all other uses to which the power so supplied can be applied, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power, as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires or poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting and branch lines within the State of North Carolina or elsewhere as the board of directors may locate or authorize to be located for receiving, transmitting and distributing power; and to acquire, own, hold, sell or otherwise dispose of water power and water privileges in the State of North Carolina, and locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or by any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings and all other works, structures, machinery and appliances: *Provided*, that the lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities, respectively, thereof shall upon application from the company prescribe.

Proviso: lines on streets and highways.

b. To carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purposes of lighting, heat and power and transmission of power; and to furnish and sell and to contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminating purposes or as motive power for running and propelling motors, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used: to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, steam, gas, compressed air and all other kinds of power, forces, fluids, currents, matter and material used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining or connected with the manufacturing and generating, distributing and furnishing electricity for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity is now or may be hereafter utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used and which may be required or deemed advisable for or in connection with the utilizing of electricity or in anywise appertaining thereto or con-

Rights as light, heat and power company.

nected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water powers; to construct, acquire, build and operate, maintain and lease canals, ditches, flumes and pipe lines for the conducting of water; to build, construct, maintain and operate railroads, street railways, motor lines, tramways, turnpikes, flumes and canals, and to carry freight and passengers or freight or passengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may deem expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines and for the transmission of messages thereon as may be deemed reasonable; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways or other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, telegraph lines, telephone lines, power transmission lines, conduits and power plants to any other company or companies organized for the purpose of maintaining and operating such roads, lines or conduits or power plants, and to lease, purchase, maintain and operate any part or all of any other railroads constructed by others upon such terms and conditions as may be agreed upon by the parties respectively; to apply to the proper authorities of any incorporated county, city or town in the State of North Carolina or elsewhere in which the railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, power transmission lines, power plants, underground subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises for the maintenance and operation thereof; to accept, receive, own, hold, lease, all and singular, the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such county, city or town; and to do and perform all matters and things necessary, proper or convenient for the accomplishment of the objects hereinbefore mentioned.

Power to purchase
or condemn water
rights.

c. To acquire, by purchase, condemnation or other proper method, the right to use, employ and divert the water flowing and running in any stream or water course which may be necessary to the exercise of any of the powers of a public or *quasi* public character herein granted to the said corporation; and whenever it shall

be necessary to divert the water from any such stream or water course to be used for any of the purposes herein provided, the said corporation shall have the right to have the value of the said water so to be diverted and the land so to be used over which it shall be conducted condemned and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property.

d. To purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient, and to build dwelling houses, build and operate stores, mills, schools, factories, warehouses, hotels and any and all other buildings and structures deemed advisable and expedient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plat any real property belonging to or required by the company into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plat and dedicate to public use or otherwise streets, avenues, alleys and parks; and to adorn and beautify its property by building dams for ponds, reservoirs and lakes and by other means. Powers as land improvement company.

e. To erect and construct, make, improve or aid or subscribe toward the construction, making and improvement of mills, factories, storehouses, buildings, roads, docks, piers, wharves, houses for employees and others, and works of all kinds. Powers as building company.

f. To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by or any other contract or obligation of any corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors. Powers as guarantee company.

g. To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated or which shall at any time appear conducive to or expedient for the protection or benefit of the corporation, either as holder of or interested in any property, and in general to carry on any business, whether manufacturing, mining or otherwise. General summary of powers

h. To acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations issued or created by other corporation or corporations, and while the holder of such stock to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same extent as a natural person might or could do; to lease, purchase or otherwise acquire, own, hold, maintain, use and dispose of the rights of way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation upon such Powers in dealing with other corporations.

terms as may be agreed upon, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors may determine; and to issue its notes, bonds and debentures from time to time as it may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises in whole or in part, as they may deem necessary or expedient.

Right to locate,
construct and
operate railroad.
Termini and
route.

i. To locate, construct, equip, maintain and operate, by steam or electric power, a railroad or any part thereof, upon one or more tracks, from some point at or near the city of Winston, in the county of Forsyth, State of North Carolina, to some point at or near the city of High Point, county of Guilford, State of North Carolina, and from some point at or near the city of High Point to some point at or near the town of Thomasville, in the county of Davidson, State of North Carolina; thence in a southerly or south-westerly direction, by such route as it may select, to some point on the North Carolina and South Carolina line; and it may also construct, maintain and operate such lateral and branch line as it may deem necessary or advantageous to the extension, completion

Branch lines.

Incidental powers.

and operation of its said road. And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions, and it shall have the right to cross any navigable stream on its route; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in this State upon the ground of such companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five or any act of Assembly amendatory thereof. Said company shall also have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper. For the construction of a railway provided by this act the company shall have, for the purpose of acquiring lands, easements or rights of way, all the rights, powers and authorities given to railroads under chapter sixty-one of Revisal of one thousand nine hundred and five of North Carolina or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Powers under
general law.

Entry on lands
for exploring and
survey.

SEC. 6. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ, to enter at all times upon all lands or water for the purpose of exploring or surveying the lands required by said company for the location of any of its works or for the conducting of the business or any part of said business hereinbefore authorized in paragraphs a and

b and *c* and *i* of section five, and for locating said works, doing no unnecessary damage to private property, but said company shall be responsible for all damages done; and when the location of said works shall have been determined and a survey of the same deposited in the office of the clerk of the Superior Court of the county in which the said land lies, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold and use and excavate and fill any such lands, and to erect all the necessary and suitable structures for the erection, completion, repairing and operating of said works, subject to such compensation as is hereinafter provided: *Provided, however*, that said company shall not enter upon or break ground upon the premises, except for the purpose of surveying, without the consent of the owner, until such owner's damages are agreed upon between such owner and said company or ascertained by the method hereinafter provided, and such damage has been paid to such owner; and *Provided further*, that such locating of its works and filing its surveys in the office of the clerk of the Superior Court shall not preclude said company from making from time to time other locations of works and filing surveys of the same as its business and its development require; and whenever any land for the location of dams or of a canal or canals or for ponding water or any other lands or rights of way may be required by said company for the purpose of constructing and operating its works or for the conducting of its businesses herein authorized, or any part of said business, and the said company cannot agree with the said owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of five commissioners, or a majority of them, appointed by the clerk of the Superior Court of the county in which the land to be condemned lies. In making said valuation the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land being surrendered. The said commissioners shall report their valuation of said land to the said clerk, in writing, within twenty days after receiving notice of their appointment, and shall file their report with said clerk within that time; and if the said owner or owners or the said company do not except to the valuation so reported within ten days after the filing of the report, the said clerk shall approve and confirm said report, and then, upon payment of such valuation and the costs of the proceedings, the said lands shall vest in and become the property of said company for the purpose hereinbefore expressed. If either or both of the parties be dissatisfied with such valuation, then either or both parties may within ten days after the filing of said report file exceptions thereto, and upon the determination of the same by the clerk, and upon notice to the other party within ten days after such determination, may appeal to the

Entry on lands
for construction.

Proviso: damage
to be ascertained
and paid before
entry.

Proviso: change of
location.

Procedure for con-
demnation.

Right of appeal.

Superior Court of the county in which the land lies, at the next ensuing term thereof; and upon the demand of either party the said valuation shall be determined by a jury trial. If no such demand is made, the judge may hear and determine the matter upon exceptions filed, and either party shall have the right to appeal to the Supreme Court as in other cases from a judgment of the Superior Court. And when the said valuation has been thus ascertained and determined and paid, the said land shall vest in and be and become the property of the said company for the purposes hereinbefore expressed. In case any land so required shall be claimed by more than one person, then the amount of the valuation shall be deposited with the clerk of the Superior Court of the county in which the land lies, until the true owners of the land and the proper person to receive said money can be ascertained by an action or suit between such claimants: *Provided*, that the petition for the appointment of commissioners under this act, and the service therefor, and of summons, shall in all respects conform to sections two thousand five hundred and eighty, two thousand five hundred and eighty-one and two thousand five hundred and eighty-two of the Revisal of one thousand nine hundred and five; and *Provided further*, that the valuation provided for in this section shall be made upon the oaths of the commissioners aforesaid, which may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the dwelling house, yard, kitchen, garden or burial ground of any individual without his or her consent. In case of any appeal to the Superior Court from the report of the commissioners by either the said company or the said owner or owners of the land to be condemned, then the said company shall deposit with the clerk of the Superior Court of the county in which the said land lies the sum named as the valuation of said land by the commissioners, and all costs of the proceeding up to the date of the appeal, and thereupon the said land shall vest in the said company for the purposes hereinbefore expressed; and when the valuation of said land shall be finally determined, as prescribed by this act, then the sum so deposited with the clerk, or so much thereof as may be necessary to pay to the land owner or owners such valuation of said land, with such costs as he or they may recover, shall be paid to such land owner or owners, and any surplus shall be returned to said company. In case such deposit is not sufficient to pay off such valuation and costs, the court shall give judgment to said owner or owners for the amount of such deficiency, and such judgment shall be a lien on said lands, having priority over all other liens placed upon said land by said company or its assigns, and over any and all conveyances thereof made by said company.

Appeal to
supreme court.

Deposit of valuation.

Proviso: proceedings to conform to general law.

Proviso: valuation on oath.

Proviso: limit of condemnation.

Deposits pending appeals.

Judgment if deposit insufficient.

SEC. 7. Said company, its successors or assigns shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Right to carry passengers and freight.

Tolls

SEC. 8. Said company, with the consent of the governing board of the county, city or town, as the case may be, shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets, respectively, shall upon application from the company prescribe.

Public roads and highways.

SEC. 9. The said company may connect or unite its lines with those of any other railway company or companies or consolidate and merge its stock, property and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State of the United States operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts and privileges and its charter rights and franchises to any such other company, upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all of the property, real or personal or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers and changes of name.

Rights in connection with other companies.

SEC. 10. The board of directors shall, as soon as they deem it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as they may deem expedient; and the construction of some of said works shall be begun within five years after the ratification of this act.

Location of works.

Beginning of construction.

SEC. 11. That the right of the said company to condemn and take land in the manner aforesaid shall extend to the condemning of a space of sixty (60) feet on either side of its roadbed, measuring from the center of the same, with any necessary additional width in deep cuts and fillings required by the company for its roadways, telephone, telegraph and power transmission lines, and

Limit on amount of land condemned.

- all other lands necessary for the construction and operation of its works, as well as the necessary water, including in the land and water thus described water powers, water privileges and land overflowed or submerged with water accumulated by the company's dams: *Provided*, that in the case of telephone, telegraph and power transmission lines not constructed along its railroad or any branch thereof, the right of condemnation and taking herein granted shall extend to and embrace a strip of such width as may be necessary or desirable in the construction, operation and maintenance of its said works, not exceeding sixty (60) feet; and *Provided further*, that for yards, shops and depots it may condemn as much land as may be necessary for such purposes, not to exceed five acres; and in all cases where lands or rights of way have been condemned the owner shall petition for assessment of damages within two years from the taking and occupation, and not after, except in the case of legal disabilities, and in that case within two years from the removal of such disabilities.
- Proviso: telegraph, telephone and power lines.**
- Proviso: yards, shops and depots.**
- Petition for assessment.**
- Line constructed in part.**
- Subscriptions by counties, townships, cities or towns.**
- Petition for election.**
- New registration.**
- Order for election.**
- Ballots.**
- SEC. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.
- SEC. 13. That any county, township, city or town along or near or interested in the line of railroad or any of its branches may subscribe to the capital stock of the company or for bonds issued by the same, in the following manner: Upon presentation of a writing, signed by not less than twenty-five freeholders and resident taxpayers of the township, or not less than fifty freeholders and resident taxpayers of the city or town or township including a city or town, or not less than one hundred freeholders and resident taxpayers of the county, as the case may be, to the board of county commissioners or to the board of aldermen or of town commissioners or other governing authorities of the city or town, as the case may be, requesting them to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe any sum named in said petition to the capital stock or bonds of said company, the board of county commissioners of said county, or the board of aldermen, board of town commissioners or other proper governing authorities, as the case may be, of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription." and those opposed to such subscription shall vote a ballot on which shall be

written or printed the words "Against Subscription"; and all elections held under this section shall be held, if for a county, according to the laws and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same; and if the election shall be held in a township the registrars and judges of election shall make returns to the board of county commissioners, who shall ascertain and declare the result and make a record of the same; and if the election shall be held for a city or town it shall be conducted as elections for municipal officers, and the mayor and board of aldermen, board of town commissioners or other proper governing municipal authorities, as the case may be, shall ascertain and declare the result and make a record of the same. Such elections shall be ordered within ten days after the filing of such written application, and shall take place at the expiration of forty days from the date of notice of election, which said notice shall specify the amount of bonds proposed to be voted upon, the rate of interest they shall bear and the term or terms for which they shall run; and the said county commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of said county, township, city or town for such election, if they deem it necessary.

Law governing elections.

Returns and canvass.

Time of election.

Notice.

New registration.

SEC. 14. That in case a majority of all the qualified voters in any county, township, city or town, as the case may be, shall have voted "For Subscription," the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock or bonds of said company, as the case may be, in behalf of said county, township, city or town, as the case may be, the sum which may have been moved in the said petition, which subscription shall be made within twenty days after the ascertainment of the result of the vote, in coupon bonds in denominations of not less than one hundred dollars and not more than one thousand dollars each, which shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate; and the said bonds shall upon their face indicate on account of what county, township, city or town they are issued, and be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners; and if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town or by the treasurer of such city or town: *Provided, however*, that after such election has been held and such coupon bonds issued and duly signed, as above provided in the respective cases mentioned.

Effect of result.

Time of subscription.

Subscription in bonds.
Denominations.
Maturity.
Interest.

Authentication.

Proviso: regularity of election.

Proviso: authentication of coupons.

Representation of stock.

Special taxes.

Collection of taxes.

Investment of sinking fund.

Proviso: investment preferred.

Transfer of subscription.

such signatures shall be conclusive evidence of the regularity of said election in all respects and the validity of said bonds: *Provided further*, that the said coupons shall be sufficiently signed if they contain the engraved or lithographed facsimile, in the case of county or township, of the chairman of the board of county commissioners; or in the case of city or town bonds, of the mayor; and in all conventions of stockholders of said company such counties, townships, cities and towns as may subscribe to the capital stock shall be represented by one delegate, to be appointed for such purpose by the corporate authorities of such cities or towns or by the county commissioners of the respective counties and townships.

Sec. 15. The county authorities in said county voting for subscription or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year, at the time of levying their taxes, sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levy the constitutional equation of all taxation. The taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county when the subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by the city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purposes for which levied or collected, and none other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds or in which there is a township issuing said bonds: *Provided*, that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the property, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other corporation, the board of commissioners of said county making such subscription or in which there is a township making such subscription, or the proper authorities of the city or town making such subscription, shall be and are hereby authorized and required to transfer such subscription to such company as the payee and beneficiary thereof, and such other company shall stand in the place and stead of this corporation, and the same relation, privileges and immunities and rights shall exist between such other companies and such

county, township, city or town so subscribing under the provisions of this act as did exist prior to such sale or transfer to such other company, as is provided for in this act.

SEC. 16. That for the purpose of this act all the counties, townships, cities or towns through any portion of which the said railroad may pass, or along or near its lines, or at any terminal point thereof, or at or near the line of its extensions, its branches, lateral or connecting roads, or at their terminal points, or which may be interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with all the necessary authority and power to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act, and shall have the power and authority by a vote of the majority of the qualified voters of the county, township, city or town to make a donation to said company in bonds, money or its equivalent in real or personal property, or a subscription to its capital stock. The county commissioners of the respective counties in which are situated the respective townships donating or subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of the said counties, respectively.

Counties, townships, cities and towns incorporated.

Power to make donations.

Corporate agents.

SEC. 17. It shall be lawful for the said company chartered by this act to issue coupon or registered bonds, or both, in such denominations and running for such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select, conveying all its real and personal property, franchises, privileges, including its railways, transmission lines, telephone lines, power plants and all its other assets and effects, or, in case the railroad may be divided and built in sections, which said company is authorized to do, such mortgage may be placed upon such separate sections or branch lines and in such manner as the company may elect.

Power of company to issue bonds and make mortgages.

SEC. 18. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name on the books of the company, and shall be allowed to cast his vote, either in person or by proxy duly authorized, in accordance with the rules and regulations prescribed by the by-laws of the company. The stockholders of the company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient.

Stock votes.

By-laws, rules and regulations. §

Meetings of the stockholders and directors may be held at Greensboro, in the county of Guilford, where the principal office of the company shall be, until the board of directors shall change the location of the principal office to some other town or point; and

Meetings of stockholders and directors.
Principal office.

the said board of directors shall have the power, with the consent and approval of a majority of the stockholders of said company, to change the location of the principal office of said company from time to time.

Election of directors.

SEC. 19. The board of directors shall be elected from the stockholders of said company, and shall consist of not less than three, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws may direct, and shall continue in office for the term of one year from and after the date of its election and until its successors are elected and qualified; it shall choose one of its number president and one or more vice presidents; and in case of death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of office.

President and vice president.

Vacancies.

Right to cross roads and other railroads.

SEC. 20. The said company shall have the right, when necessary, to construct its said road and works across any public road or other railroad or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Power to borrow money and issue bonds.

SEC. 21. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also on all its franchises, contracts, rights and privileges of every kind; and it may, also, as the business of the company shall require, sell, lease or in any manner convey and encumber the same or any part thereof.

Act a public act.

SEC. 22. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Evidence of by-laws and regulations.

Stockholders not liable for debts of company.

SEC. 23. That the stockholders of said company, whether corporate or private, shall not be liable for the debts of said company.

SEC. 24. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 403.

AN ACT RELATIVE TO HUNTING WILD ANIMALS ON
BOGUE BANKS, IN CARTERET 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 capture any wild animal on Bogue Banks, in Carteret County, between the points known as "Hoop Pole Creek," on the east, and "Piney Island Creek," on the west, for a period of five years from the ratification of this act. Protection for five years.

SEC. 2. Any person or persons violating section one of this act shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than fifty dollars or imprisoned not more than thirty days. Violation of act a misdemeanor. Punishment.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 404.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO LEVY A SPECIAL TAX IN THE YEARS
1909 AND 1910.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Hertford County be and they are hereby authorized and empowered to levy a special tax on the property and poll in said county during the years one thousand nine hundred and nine and one thousand nine hundred and ten, not exceeding in any one year fifteen cents on the hundred dollars valuation of property and forty-five cents on the poll, observing the constitutional equation in levying said tax, for the purpose of building and repairing bridges in said county and for other necessary county expenses. Special tax authorized. Years. Rate. Purpose.

SEC. 2. That said tax shall be levied and collected as other public taxes. Levy and collection.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 405.

AN ACT TO AMEND CHAPTER 477, PRIVATE LAWS OF 1905,
RELATIVE TO WORKING PUBLIC ROADS IN CLEVELAND
COUNTY.*The General Assembly of North Carolina do enact:*Commutation on
reaching road age.

SECTION 1. That chapter four hundred and seventy-seven, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by inserting in line eleven of section one thereof, between the words "year" and "shall," the words "and shall fail or neglect for a period of ten days therefrom to pay to the person authorized to receive the same the sum of seventy-five cents per day for the time required in lieu of road work."

Commutation by
persons moving
into township.

SEC. 2. That said section one of said chapter four hundred and seventy-seven be amended by inserting between the word "year," in line fifteen, and the word "shall," in line sixteen, the words "who shall fail or neglect for a period of ten days next after such removal to pay to the person authorized to receive the same the sum of seventy-five cents per day for the time required in lieu of road work."

Work in number
two township.

SEC. 3. That in prosecuting the work of road improvement in Number Two Township, in Cleveland County, under the present law, it shall be the duty of the supervisor to expend, as near as practicable, on the roads in each precinct of said township the money collected from the property and polls and the commutation money from each precinct. Said supervisor, in filing his monthly reports before the board of county commissioners, as required by law, shall file a report giving an itemized account of the moneys expended, including the names of parties to whom paid, the amount and for what purpose.

Supervisor to file
itemized account.Road duty in
number two town-
ship.

SEC. 4. That the county commissioners may at any January meeting after the ratification of this act make the time for road hands to work on roads in Number Two Township anywhere from two to four days, inclusive, in their discretion. The commutation money to be paid in lieu of road work shall be seventy-five cents per day in said Township Number Two: *Provided*, that this act shall only apply to Number Two Township, in Cleveland County.

Commutation
money.Proviso: applica-
tion of act.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A. D. 1909.

CHAPTER 406.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CLAY COUNTY TO CALL AN ELECTION FOR THE PURPOSE OF VOTING ON A BOND ISSUE TO AID IN CONSTRUCTING THE HIAWASSEE VALLEY RAILROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Clay County be and are hereby authorized, empowered and directed to call an election in said county, to be held on a date to be fixed by said commissioners, to vote upon a subscription of not more than fifty thousand dollars (\$50,000) to aid in the construction of the Hiawassee Valley Railroad; said election to be held under the provisions provided for in section two thousand five hundred and sixty of the Revisal of one thousand nine hundred and five.

Call of election authorized.

Question to be voted on.

Law governing election.

SEC. 2. That if a majority of the qualified voters of Clay County shall vote in favor of the bond issue, said commissioners shall declare the result of said election, but shall not issue nor deliver said bonds to said company until said railroad shall have been completed to a point within one mile of Hayesville, in said county, and trains run upon said road upon scheduled time. Said road and equipment shall be standard gauge. And said bonds shall not be delivered until there is issued and delivered to the said commissioners of said county by said railroad an amount equal to the subscription in preferred stock in said company, fully paid and nonassessable.

Issue of bonds if voted for.

Preferred stock issued for bonds.

SEC. 3. That the provisions of sections two thousand five hundred and fifty-eight, two thousand five hundred and fifty-nine, two thousand five hundred and sixty, two thousand five hundred and sixty-one and two thousand five hundred and sixty-two of the Revisal of one thousand nine hundred and five, except as are inconsistent herewith, are hereby incorporated in this act.

Application of general law.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 407.

AN ACT TO BUILD BRIDGES IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Haywood County are hereby authorized and directed, at their regular meeting in June, one thousand nine hundred and nine, and annually thereafter, as

Levy of special tax directed.

Rate.	long as may be necessary, to levy a special tax of five cents on each one hundred dollars' (\$100) worth of property situated and being in the said county of Haywood and fifteen cents on each poll,
Purpose.	observing at all times the constitutional equation, for the purpose of raising funds with which to build and construct the following
Bridges to be built.	bridges across Richland Creek, Lower Fine Creek and East Fork of Pigeon River, at the following places, to-wit: one across Richland Creek, at or near the ford of said creek, in front of the residence of B. F. Smathers, in the town of Waynesville, and said bridge shall be as good as the one across Richland Creek on the street leading from the Southern depot in said town to the Haywood White Sulphur Springs Hotel; one across Lower Fine Creek, in Fine's Creek Township, at some point that the commissioners and the road superintendent may designate, near the home of Dr. Graham and near the intersection of Painter's Creek Road with the Fine's Creek Road; one across the East Fork of Pigeon River, in East Fork Township, at some point that may best subserve the best interests of the traveling public in said township, as may be designated by said board of commissioners.

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

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 408.

AN ACT TO AID THE WATAUGA RAILWAY COMPANY TO CONSTRUCT A RAILROAD FROM SOME POINT ON THE CALDWELL AND NORTHERN RAILROAD, IN THE COUNTY OF CALDWELL, TO BOONE, IN THE COUNTY OF WATAUGA.

The General Assembly of North Carolina do enact:

Conditions precedent.

SECTION 1. That when there has been a solvent, *bona fide* subscription by private individuals or municipalities of not less than forty thousand dollars and a subscription by the county of Watauga or any other person, firm or corporation of not less than sixty thousand dollars to the capital stock of the Watauga Railway Company, as provided by chapter four hundred and eleven of the Private Laws of one thousand nine hundred and five, and the sum of ten thousand dollars of said subscription shall have been paid into the treasury of said railway company, it shall be the duty of the board of directors of the penitentiary of North Carolina, upon the application of the president of said railway com-

Convicts for construction of road.

pany, approved by the Governor and Council of State of the State of North Carolina, to turn over to said company convicts not otherwise appropriated, not less than fifty nor more than one hundred and fifty in number, to be worked in the construction of said road, under the charge of sufficient guards and a superintendent, to be selected by the said board of directors of the North Carolina penitentiary and subject to the said board of directors and to the prison rules and regulations adopted and prescribed by the said board, as far as practicable; that said convicts be furnished with necessary quarters, tools and implements with which to work, and be fed, clothed and maintained by the said board of directors of said penitentiary until the grading of said railway shall have been completed; the payment of such expenses to be made out of funds appropriated for the support of said penitentiary or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina penitentiary, and the penitentiary board shall fix a fair value for the work done; and whenever and as often as one thousand dollars shall have been expended or earned by said board of directors of said penitentiary under the provisions of this act it shall be entitled to demand and receive and said company shall issue and deliver a certificate of ten shares of one hundred dollars each, made out in the name of the State of North Carolina, and the State shall become thereby a stockholder in said company to the extent of said shares, and shall be entitled to participate in the profits of said company pro rata with other stockholders, and to be represented and to vote its shares in all meetings of the stockholders in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of North Carolina: *Provided*, that if after completion of said road a fractional part of one thousand dollars shall have been expended by the said directors of the said penitentiary, after the issue of the last certificate of ten shares of stock, a corresponding amount of said capital stock, at its par value, shall be issued and delivered as aforesaid: *Provided further*, that upon the delivery of said certificates of stock so issued to the State Treasurer, credit shall be given to the said board of directors of the North Carolina penitentiary upon the books of the State Treasurer for the par value of the shares of stock represented by such: *Provided*, that this act shall not interfere with the provisions of chapters three hundred and sixty and one hundred and fifty-nine of the Private Laws of one thousand nine hundred and seven, nor the work undertaken and in progress under the provisions of said acts.

Approval of
governor and
council.

Number to be
furnished.

Safe-keeping and
maintenance.

Payment for work
in stock of com-
pany.

Proviso: fractions
of stock.

Proviso: credit to
penitentiary.

Proviso: work
under former law
not to be affected.

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

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 409.

AN ACT TO AMEND CHAPTER 922 OF THE PUBLIC LAWS OF 1907, BEING "AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO ISSUE BONDS."

Preamble. Whereas the Board of Commissioners of Wilson County, under and pursuant to the provisions of chapter nine hundred and twenty-two of the Public Laws of one thousand nine hundred and seven, did submit to the voters of Wilson Township the question as to whether the said township should issue bonds as provided in said chapter; and whereas at the election held in said Wilson Township a majority of the voters voted ballots "For Good Roads," as will appear by reference to the minutes of the Board of Commissioners of Wilson County; and whereas, in compliance with the provisions of the said chapter and pursuant to the result of the said election, the road commissioners named in said act have organized, and the bonds provided for have been duly issued and the work of improving and macadamizing roads in Wilson Township is now in course of construction; and whereas it is desirable that the other townships of Wilson County shall have an opportunity of providing for the permanent improvement of their roads and of issuing bonds to provide for the same: now, therefore,

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and twenty-two of the Public Laws of one thousand nine hundred and seven be amended by adding after section fourteen the following, to-wit:

Petition for election in any township.

"Sec. 15. That it shall be the duty of the Board of Commissioners of Wilson County and they are hereby authorized, empowered and directed to submit to the qualified voters of any township in Wilson County the question as to whether or not said township shall issue bonds for the purpose of grading, macadamizing or otherwise permanently improving the public roads of said township, whenever a petition is filed with said board of commissioners, signed and acknowledged by not less than one-third of the qualified voters residing in said township at the date of the last election held in said township for the election of members of the General Assembly: *Provided*, the said petition shall set forth the amount of bonds to be voted upon, and shall name five residents of said township, who shall constitute the road commission of said township: *Provided further*, that in the notice of the election called upon said petition the amount of the said bonds proposed to be issued and the names of the road commission proposed to be established shall be set forth.

Proviso: contents of petition.

Proviso: notice of election.

Law governing election and bond issues.

"Sec. 16. That whenever an election is called, upon petition, as provided in section fifteen, the same shall be held in accordance with the provisions of section two and section three of this chap-

ter, and that all proceedings had for such township shall be as provided in chapter nine hundred and twenty-two, Public Laws of one thousand nine hundred and seven, to the same extent and with the same effect as if the name of such township appeared in the original act instead of Wilson Township: *Provided*, that the names proposed in said petition as road commissioners of said township shall be deemed to have been inserted in the original act, in section four thereof."

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 410.

AN ACT RELATING TO THE CONTROL AND MANAGEMENT OF AUTOMOBILES AND OTHER VEHICLES UPON THE ROADS AND HIGHWAYS IN EDGECOMBE, ROWAN AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. All persons riding on bicycles, tricycles, tandem bicycles, locomobiles, automobiles or other motor vehicle shall on meeting carriages or vehicles keep to the right so far as to leave two-thirds of the roads free: *Provided, however*, that any person operating a locomobile, automobile, motorcycle 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 speed than ten miles an hour in the business and closely built-up portions of any municipality of or in Edgecombe, Rowan and Nash counties, nor more than fifteen miles an hour in the other portions in such municipalities, or not more than twelve miles an hour when passing any person or persons riding or driving, and not more than twenty miles an hour when not passing any person or persons riding or driving outside such municipalities in said counties: *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 four miles an hour, which rates of speed in any municipality in said counties shall not be diminished nor prohibited by any ordinance, rule or regulation of any such municipality, board or other authorities, unless the public safety shall require it: *Provided*, that any person or persons operating a locomobile, automobile, motorcycle or other motor vehicle on any such public road or highway, any public street or place in said counties shall, at request or on signal

Rule of the road.

Proviso: rate of speed.

In business portions of municipalities.

In other portions of municipalities.

In passing persons riding or driving. Extreme rate.

Proviso: rate on sharp curves and road crossings.

Proviso: stops on request.

by putting up the hand from the person riding, leading or driving a horse or horses or other animals, bring such locomobile, automobile, motorcycle or other motor vehicle immediately to a stop, and if traveling in the opposite direction shall remain stationary so long as may be necessary to allow such horse, horses or animals to pass; and in case such horse or horses or other animals appear to be frightened, and he is requested to do so, the person operating such locomobile, automobile, motorcycle or other motor vehicle shall cause the motor thereof to cease running so long as shall be necessary to prevent accidents and to insure the safety of persons using such public road, highway or public place, and if traveling in the same direction use reasonable care and caution in thereafter passing such horse, horses or other animals, 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, motorcycle or other 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, motorcycle 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: *Provided*, this act shall apply only to the counties of Edgecombe, Rowan and Nash.

Proviso: lights to be exhibited.

Brakes and signals.

Acts declared misdemeanors.

Punishment.

Application of act.

Numbers to be attached.

Registry of numbers.

SEC. 2. It shall be the duty of the owner or other person operating a locomobile or automobile in the counties of Edgecombe, Rowan and Nash to attach to the front and on the rear of any such locomobile or automobile or other motor vehicle the number of such machine, in plain letters, so as to easily be read, with a metal plate attached to or suspended from said vehicle or machine, and to register the number of said machine with the clerk of the Superior Court in a book kept for that purpose by him, with the name or the owner set opposite such number.

SEC. 3. That all laws in conflict with this act be and the same are hereby in so far as they are in conflict herewith repealed.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 411.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE
ROADS IN BEAVER DAM WARD, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Buncombe County be and they are hereby authorized and empowered, and it shall be their duty if requested in writing by a majority of the qualified voters of Beaver Dam Ward, in said county, to issue and sell the bonds of said ward for the rebuilding, grading, improving, widening and maintaining in good order the public roads of said Beaver Dam Ward. Said bonds shall be coupon in form and shall bear interest at the rate of six (6) per cent per annum, payable semiannually, and shall mature at such time or times as said board may determine. The said bonds shall be signed by the chairman of the said board of county commissioners and attested by the clerk of the said board, and shall bear the county seal of said county. They shall state upon their face that they are issued for said ward, and the purchase price of said bonds shall be paid to the Treasurer of Buncombe County, to be disbursed by him as herein provided. Road bonds to be issued on petition.
Interest.
Maturity.
Authentication.
Payment of purchase.

SEC. 2. That the total amount of bonds to be issued for said Beaver Dam Ward, in said county, shall not exceed fifteen (15) per cent of the assessed valuation of the real and personal property in the same at the time said bonds are issued; and for the purpose of paying the interest upon said bonds as it becomes due, and also for the purpose of paying the principal of said bonds as it becomes due, and for maintaining said roads when rebuilt and repaired, the board of county commissioners of said Buncombe County are authorized and empowered to levy annually a special tax upon all property located within said ward for which such bonds are to be issued, which said tax shall be collected by the tax collector of said Buncombe County and paid over by him to the Treasurer of Buncombe County for the purposes herein provided for. The total tax levied for the first five years, however, shall not exceed the amount necessary to pay the interest on said bonds as aforesaid. Limit of amount.
Special tax levy.
Collection of tax.

SEC. 3. That if a majority of the qualified voters of said ward petition in writing for the issuing of bonds as herein provided for, and if such bonds are issued, then the board of county commissioners of said Buncombe County shall not levy any other special tax for road purposes upon property within said ward, whether said tax be now or be hereafter authorized; and that section two of chapter four hundred and eleven of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed, in so far as it will apply to said ward, in whose behalf the bonds herein authorized are issued. Road tax discontinued on issuance of bonds.

Beaver Dam highway commission.	SEC. 4. That if bonds are issued on behalf of said ward in said county under the provisions of this act, then there shall be appointed by the board of county commissioners of said county for said ward a Beaver Dam highway commission, to consist of three
Political affiliations.	members, not more than two of whom shall belong to any one
Term of office.	political party. Said Beaver Dam highway commission shall hold office until all the proceeds of said bonds shall have been used
Powers and duties.	in grading, repairing and improving the roads of said ward as aforesaid. The members of said Beaver Dam highway commission shall have complete charge and supervision of said work. They may let the work of improving said roads to contract to the lowest bidder, after advertising for bidders, or they may purchase the necessary equipment and machinery and employ competent persons
Commissioners to give bond.	to do the work under their own supervision. They shall each give bond in the sum of two thousand dollars for the faithful performance of their duties, said bonds to be payable to the State of North Carolina, and shall be approved by the board of county commissioners of said county. They shall have control of the payment of proceeds of said bonds and shall approve all accounts for work on said roads, and the treasurer shall pay all vouchers and warrants issued by said highway commission for the purposes
Surveyor or engineer.	herein provided. Said highway commission shall employ a competent surveyor or engineer, who shall, under the direction of the highway commission, lay off said roads and make and prepare proper specifications, and said roads shall be built and improved
Organization.	in accordance with said specifications. Said highway commission shall appoint a chairman and secretary and shall keep a record
Meetings.	of their proceedings. They may meet on the first Monday in each month during the progress of the work, and may adjourn from day to day, but shall not be in session longer than three
Pay.	days in any one month. They shall be allowed two dollars per day for their services for each day actually engaged, which shall
Cost of improving roads.	be paid out of the proceeds of said bonds. All the cost and expense attendant to improving the roads of said ward shall be paid
Sale of bonds.	out of the proceeds of the bonds issued as aforesaid. The bonds authorized by section one of this act shall be sold as the said highway commission may demand of the board of county commissioners.
Duties in location or changes of road.	SEC. 5. That said highway commission, when organized, may and it shall be their duty to locate, relocate, widen, grade or otherwise change any public road or any part of the same, or cause the same to be done, when in their judgment such location, relocation or change as aforesaid is necessary, and for said purposes they shall have the power and authority to employ all necessary labor and to fix the compensation of the same, and to buy
Entry on lands for construction and material.	all materials and machinery that may be necessary; and they are authorized to enter upon lands of any person situated in said

Beaver Dam Ward and to proceed to open, build and construct or change or widen any public road or any part thereof; and they may use stone, earth, timber or any other necessary material contiguous or near to said road to be used in opening, constructing, changing and working the same; that when any person or persons over whose land any old or new road or part of which is to be located, relocated, widened, changed or extended claims damages therefor in excess of what the highway commission may deem just and offer to pay, and shall within thirty days petition said highway commission for a jury to assess the damages, the said highway commission shall within not less than fifteen nor more than sixty days after the completion of said road order a jury of five freeholders, residents of said ward, none of whom shall be related to the person claiming damages, to be summoned by the sheriff of the county, after three days' notice to the owners and to the members of the highway commission, to meet and assess the damages which may be sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall proceed to assess the same and make their report to the next regular or called meeting of the said highway commission. The 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 in the same, and if the said benefits be considered equal with the damages sustained, then the jury shall so declare, but if the damages shall exceed the benefits they shall declare the amount thereof. In case the owner or the highway commission shall be dissatisfied with the finding of the jury, such dissatisfied party may appeal to the Superior Court of Buncombe County, and the same shall be heard *de novo*; but before the same is heard the judge may in his discretion require either party to give bond after the appeal is docketed in the Superior Court. The term "ward" in this act shall be construed as Beaver Dam voting precinct.

Claims for damages.

Procedure for assessment of damages.

Right of appeal.

Bond on appeal.

Ward defined.

SEC. 6. That the taxes derived from the property in said ward, as provided for in section two of this act, shall be used to pay the interest on the bonds and the principal when it matures, and the maintaining and keeping in good repair the roads of said ward on whose behalf the bonds provided for in this act may be issued. The interest and principal and cost of maintaining and repairing said roads shall be paid by the Treasurer of Buncombe County upon the order of the board of county commissioners.

Appropriation of proceeds of tax.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 412.

AN ACT AUTHORIZING THE COMMISSIONERS OF GREENE COUNTY TO ISSUE BONDS TO PAY ITS PRESENT FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of issue. SECTION 1. That for the purpose of paying the outstanding floating indebtedness of the county of Greene, the board of commissioners of said county of Greene is hereby authorized to issue coupon bonds of the said county to an amount not exceeding thirty 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 on the first day of December, one thousand nine hundred and ten, and two thousand dollars biennially thereafter until the whole issue is paid, and shall bear interest from their date until maturity, at a rate not greater than six per cent per annum, payable annually on the first day of December in each year; the said 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.

Bond issue authorized.

Amount.

Denominations.

Maturity.

Interest.

Bonds not to be sold below par.

Sale of 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 Greene County for at least thirty days, and the said board of commissioners may also advertise the sale of the said bonds in one or more newspapers published within or without the State which make a business of advertising such sales.

Specific appropriation of proceeds.

Separate accounts.

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; 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.

Commission of treasurer.

SEC. 4. That 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 centum to be fixed by the board of commissioners of said county and by them allowed.

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 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. Levy and collection.

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 present outstanding indebtedness of the county 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. Call and payment of outstanding indebtedness.

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. Responsibility of treasurer.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 413.

AN ACT TO AMEND SECTION 1318 OF THE REVISAL OF 1905, RELATIVE TO COUNTY BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection twenty-six of section one thousand three hundred and eighteen of the Revisal of one thousand nine hundred and five be and is hereby amended by adding to said subsection twenty-six, at the end thereof, the following: "*Provided*, no contract for the erection, alteration or repair of any county building shall be made until after advertisement for bids shall have been made at the courthouse door and also in the newspaper of largest circulation in the county for at least thirty days." Proviso: no contract to be made until bids advertised for.

SEC. 2. That the resolution of the board of commissioners for the county of Tyrrell, at its regular session in February, one thousand nine hundred and nine, authorizing the issuance of bonds for the erection of a jail, and all propositions and agreements thereunder, are hereby abrogated and annulled, and that no payments shall be made or taxes levied in consideration of anything to be done under the authority of said resolution. Resolution for issuance of bonds rescinded.

Commissioners to contract for jail, issue bonds and levy tax.

Proviso: contract with lowest bidder.

Proviso: contracts subject to approval.

Special commissioners.

Term of office.

SEC. 3. That the board of commissioners for the county of Tyrrell are authorized to enter into a contract or contracts for the erecting, altering or repairing of a jail or other public buildings and to issue bonds and to levy taxes for the payment of the same:

Provided, that such contract or contracts shall be made with the person or corporation offering to perform such contract or contracts for the lowest sum, after advertisement as provided in section one hereof: *Provided further*, that no such contract or contracts shall be made by the said board of commissioners for the county of Tyrrell unless approved by a majority of a commission consisting of W. W. Sawyer, G. W. Bateman, B. F. Duncan, J. P. Alexander and G. L. Liverman, who are hereby appointed as such, and whose term of office shall continue until the first day of February, one thousand nine hundred and eleven.

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

Application of act. SEC. 5. That this act shall only apply to Tyrrell County.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 414.

AN ACT RELATING TO THE LABOR OF CONVICTS ON THE COUNTY FARM OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Judges to sentence convicts to labor on farm.

SECTION 1. That it shall be lawful for and the duty of the judges of the Superior Courts of the State holding said courts in Warren County to sentence all criminals convicted of crime in the Superior Courts of said county to labor upon the county farm of Warren County instead of sentencing said convicted persons to the common jail of said county or to the penitentiary.

Justices to sentence convicts to labor on farm.

SEC. 2. That it shall be lawful for and the duty of all justices of the peace in Warren County to sentence all criminals convicted of crime before them to labor upon the county farm of Warren County instead of sentencing said criminals to the common jail of said county.

Crimes excepted.

SEC. 3. That this act shall not apply to the crime of murder, manslaughter, rape, attempt to commit rape, burglary, arson, perjury or forgery or any other felony.

Length of term.

SEC. 4. That only such convicts as may be sentenced for two years or less shall be sentenced to serve on said farm.

SEC. 5. That all persons sentenced for the nonpayment of costs Work for payment of costs. in any criminal action or proceeding shall be sentenced to labor on said farm instead of being confined in the common jail of Warren County.

SEC. 6. That nothing in this act shall prevent the suspension Suspension of judgment. of judgment when the same is deemed proper by said judge or justice of the peace.

SEC. 7. This act shall be in force from the day of ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 415.

AN ACT TO PROVIDE A BETTER SYSTEM OF WORKING THE PUBLIC ROADS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Cherokee County shall, at their regular meeting on the first Monday in March, one thousand nine hundred and nine, and annually thereafter, elect three discreet persons who are of road duty as road supervisors in the townships of Beaver Dam, Shoal Creek, Notla and Hot House, who shall be incorporated, constituted and styled "the board of township supervisors of public roads" of said township: *Pro-* Supervisors for Beaver Dam, Shoal Creek, Notla and Hot House townships. *vided*, this act shall apply to Murphy Township after May first, one thousand nine hundred and ten, if the special election to be held in said township on said date does carry in favor of repealing said law; and *Provided further*, that section thirteen of this act shall now apply to said Murphy Township. Incorporation. Style. Proviso: application to Murphy township.

SEC. 2. That said board of supervisors shall meet at some convenient place in their respective townships on the first Monday in May, one thousand nine hundred and nine, and on the first Monday in September, one thousand nine hundred and nine, and annually thereafter on said dates above mentioned, and hold such other meetings as they may deem necessary. They shall on first meeting elect from their body a chairman and clerk, and the chairman shall preside at each meeting, unless otherwise ordered by said board, and the clerk shall keep a record of all the proceedings and papers of the board and issue all orders. Meetings of supervisors.

SEC. 3. They shall at said first meeting, and as often thereafter as may be necessary, divide the public roads of their township into sections and appoint an overseer for each section and assign hands to work said section, under the direction of the road overseers. Said board of supervisors shall classify the public roads of said township as first, second and third class roads. Division of roads into sections. Appointment of overseers and allotment of hands. Classification of roads.

roads shall be sixteen feet wide; second class, twelve feet wide, and third class, ten feet wide, except in case of solid rock, then each class may be two feet narrower.

Public roads defined. SEC. 4. All roads that have been laid out by the county commissioners or hereafter laid out by them are hereby declared public roads of said townships.

Duties of overseers. SEC. 5. That each overseer shall keep his section of road in good repair, clear of all obstructions and well drained, and he shall keep the bridges on his section in good repair, except those kept up by the county commissioners, and he shall also provide foot-

Failure or refusal to serve a misdemeanor. ways across streams in his section; and any overseer who shall fail or refuse to serve, after being appointed and receiving notice of same, or work the said section as required by this act, shall be

Punishment. guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than ten dollars or imprisoned not more than ten days.

Persons subject to road duty. SEC. 6. All able-bodied males of the age of eighteen and under forty-five years of age residing in the county or township and not having paid or worked out his time on other roads shall be subject and required to work on the public roads, except those released by the county commissioners on account of infirmity:

Provido: substitute or commutation. *Provided*, that if any hand shall furnish an able-bodied substitute or shall pay to the overseer one dollar per day for each day he is warned to work, on or before twelve o'clock of the last day required to work by the overseer, then in either case as above stated he shall be excused.

Limits of road duty. SEC. 7. No person shall be required to work on the public roads in the township mentioned in this act more than eight days in any one year nor less than six days, except by washouts or other providential causes, nor more than three days in succession, and at least fifteen days shall intervene between each working, unless damaged by storm or otherwise.

Warning hands. SEC. 8. The overseer shall warn each hand at least two days before each working by personal or written notice, stating the time, place, kind or tool and number of days required to work. Written notice left at the place of residence shall constitute legal notice.

Day's work. Eight hours shall constitute a day's work. Any person, after being duly warned and fails to appear in person or furnish an able-bodied substitute or pay the one dollar for each day as aforesaid, shall be guilty of a misdemeanor, and on conviction shall pay two dollars and all costs for each day he failed to work, or shall be

Failure to appear, pay commutation or send substitute a misdemeanor. Punishment. imprisoned not more than ten nor less than five days. It shall be the duty of the overseer to prosecute all persons who fail to work or comply with the requirements stated in this act at once after said road working.

Overseer to prosecute. SEC. 9. All moneys collected by overseers in lieu of work shall be expended by them for the improvement of their section of road by employing laborers at once after receiving same, and if not ex-

Commutation money.

pendent during his time as such overseer he shall turn over all such moneys to his successor, to be expended on said section. The penalty for failing so to do shall be five dollars for each offense, the same being a misdemeanor.

SEC. 10. Overseers shall cause their road to be measured and signboards to be placed at the forks and crossings of all roads, showing the distance in miles to the most important places to which they lead.

SEC. 11. Each overseer shall make a written report to the road supervisors at each regular meeting of said board, stating the number of days he has worked his road since the last meeting of said board and the number of days worked by each hand, giving names of delinquents and amount of money received and expended, and the names prosecuted and the number of days worked by each hand. It shall be the duty of the board to prosecute all overseers and hands by having a warrant issued and put such person or persons on trial. Said reports shall be signed and sworn to before some person qualified to administer oaths.

SEC. 12. Any overseer may resign at the end of one year from his appointment: *Provided*, his road is in good repair and the board of supervisors shall so find: and if such resignation shall be accepted such overseer shall not be required to serve again within two years.

SEC. 13. Any person, company or firm operating any sawmill, lumber yard or other work by hauling logs, lumber or other material over said roads or bridges, the overseer of each section of road shall give a written notice to such person, company or firm, contractor, agent or employee (each two or four horse or ox wagon to equal a road hand) to meet him, giving the time and place and the number of days he works, or pay fifty cents per month for each two horse or ox wagon operated by him; and if such person, company, firm, contractor, agent or employee fail to appear and work or pay fifty cents per month, the same shall be a misdemeanor and fined two dollars and all costs for each day he failed to work: *Provided*, this shall not apply to logs or lumber hauled from points without Cherokee County into or through said county.

SEC. 14. All orders of the board of supervisors shall be served by the township constable or other lawful officers within ten days from the receipt of same. The clerk of said board shall deliver said notices of the appointment of the overseer to said officer within three days from said meetings of the supervisors. Said orders shall be served by delivering a copy to the person or by leaving it at his place of abode: *Provided, however*, that if any member of the board shall deliver a notice to any person the same shall constitute a legal notice. Said board shall have the right to depute some one to serve all their notices. The county shall pay all costs of serving such orders and notices, and the fee for serving same shall not be more than thirty cents for each order or notice.

Reports of overseers.

Board to prosecute.

Overseer may resign.
Provido: road in good repair.

Road duty of haulers of logs, lumber or material.

Failure to discharge duty a misdemeanor.

Punishment.

Provido: lumber from outside of county.

Service of orders of supervisors.

Cost of service.

Fee.

Inspections and reports on roads.

SEC. 15. The board of supervisors shall inspect the roads of their township before the term of each Superior Court held in the county of Cherokee, and shall report the condition of each section, with the name of overseer, to the solicitor of said court, whose duty it shall be to prosecute. Any supervisor or overseer failing to perform his duty shall be guilty of a misdemeanor, and under this section be fined or imprisoned at the discretion of the court.

Supervisor or overseer failing in duty guilty of misdemeanor. Punishment. Entry on lands for material.

SEC. 16. Overseers for the repairing of roads are authorized to enter upon any uncultivated land near or adjoining such road, to cut such brush and timber as may be necessary to repair his road, also earth and stone, except trees left in groves and improved lands for benefit and ornamental purposes, and to make such ditches as may be necessary to drain his road, doing as little injury to said land as possible: *Provided*, the owner of the land may change any ditch if it does not injure the road.

Ditches.

Powers under general law.

SEC. 17. All powers vested in the board of county commissioners by virtue of chapter fifty of The Code and chapter one hundred and seventy-six, Laws of one thousand nine hundred and three, shall be retained by them and made a part of this act. The board of supervisors shall have authority to lay out cartways, church and mill roads and discontinue same in the manner provided in sections two thousand and twenty-three, two thousand and fifty-six, two thousand and sixty-three and two thousand and sixty-four of The Code, as contained in chapter one hundred and seventy-six (road law of Cherokee County), and the same are made a part of this act.

Cartways, church and mill roads.

Special tax.

SEC. 18. The county commissioners of Cherokee County may and are hereby authorized to levy a special tax, annually, of not less than five cents nor more than twenty-five cents on each one hundred dollars' worth of property and not less than fifteen cents nor more than seventy-five cents on each taxable poll, for road and bridge purposes, to be applied on said roads in each township as the board of county commissioners may deem best, each township to receive all the money it pays and to be kept separately to the credit of said townships mentioned in this act: *Provided further*, that special tax may only be levied in such townships as may ask for the same by a petition containing a majority of the votes of said township: *Provided*, that any one of the townships in said county may avail itself of the provisions of this section.

Proviso: special tax only levied on petition.

Proviso: section applies to any township. Roads may be let to contract.

SEC. 19. The county commissioners may let the contract to the lowest and best bidder any road or part of road under this act, taking bond, with good security, for the faithful performance of same. All contracts must be faithfully carried out, according to plans and specifications of the commissioners, before paying for same, under a penalty of not more than fifty dollars for each offense, as the same is hereby made a misdemeanor.

SEC. 20. The county treasurer shall keep the money collected by this act separate and apart from all moneys in his hands, to be paid out only on orders of the commissioners. This money must be kept to the credit of each township having same. Moneys to be kept separate.

SEC. 21. The county commissioners are authorized to pay the supervisors one dollar per day for the time necessarily engaged in the discharge of their duties: *Provided*, this act does not exempt any road supervisor from working on the roads. They may also pay the road overseer one dollar per day for each report required to be made to the supervisors. Pay of supervisors. Proviso: supervisors not exempt from road duty. Pay of overseer.

SEC. 22. That the Secretary of State shall cause to be published and furnished to the Register of Deeds of Cherokee County two hundred copies of this act, on or before the first Monday in March, one thousand nine hundred and nine, for the use of the supervisors and overseers. Secretary of State to furnish copies of act.

SEC. 23. That this act shall apply only to Cherokee County. Application of act.

SEC. 24. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 25. That this act shall be in force and effect from and after the first Monday in April, one thousand nine hundred and nine. When act effective.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 416.

AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING THE PUBLIC ROADS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Clay County, in their corporate capacity, shall have full control of the public roads of the said county, and for that purpose shall be known and styled as the "board of road supervisors." County commissioners to have control of roads.

SEC. 2. That the board of county commissioners shall hold two regular meetings in each year to perform the public-road business of the county, one meeting to be held at the regular May meeting of the said board and the other to be held at the regular September meeting of said board: *Provided*, that the board of county commissioners may perform road business at any of their regular meetings. Regular meetings for road business. Road business at regular meetings.

SEC. 3. That the chairman of the board of county commissioners shall be the chairman of the board of road supervisors, and that the register of deeds shall be styled the "clerk *ex officio*" of said board, whose duty it shall be to keep the books and papers of the said board and keep a true record of all proceedings of said board in a book furnished for that purpose. Chairman and clerk. Duty of clerk.

Meetings of justices for classification and division of roads.

Appointment of overseers.

Allotment of hands.
 Proviso: public roads.

Classification of roads.

Pay of justices.

Appointment of township supervisors.

Term.

Duty and power of supervisor.

Proviso: limit of road duty.

Proviso: failure of overseer a misdemeanor.

Punishment.

Proviso: hands to be hired.

Proviso: pay of hands.

Reports of supervisors.

SEC. 4. That the justices of the peace in each township of said county shall meet at some place agreed upon by them in their respective townships on the first Saturday in May, one thousand nine hundred and nine, and annually thereafter, to classify all the public roads, as hereafter provided, and lay out all public roads into convenient lots or divisions, and at the same time appoint overseers for the said several road divisions and allot them to each overseer, giving him the name of all the hands to be worked by him, together with the boundary to be worked: *Provided*, that for the purpose of this act all roads that shall have heretofore been laid out by the board of county commissioners or worked by their order shall be considered public roads and shall be classed as first, second and third class roads. First class roads shall be sixteen feet wide; second class roads shall be twelve feet wide, and third class roads shall be ten feet wide, except in case of solid rock, in which case each may be two feet narrower; all roads to be kept clear of stumps and runners and ditched on one side, so as to carry off the water, where the overseers think it necessary to do so. Said justices of the peace shall be paid one dollar each for their services out of the road fund for said township.

SEC. 5. That there shall be a road supervisor appointed for each township in said county, said road supervisor to be appointed by the board of county commissioners at their regular May meeting in each year, to serve for a term of one year.

SEC. 6. It shall be the duty of the said road supervisor to go over and inspect all the roads in his township at least twice a year, and to make any and all other inspections of said roads ordered by the board of road supervisors; that said road supervisors shall have the power in their section or township to order any road overseer to work out his section of the road whenever he may deem it necessary: *Provided*, that no road subject shall be required to work a greater number of days in each year than is hereinafter set forth: *Provided further*, that any overseer failing to comply with said order when he has hands subject to work, after having been duly notified for three days prior to said working, shall be guilty of a misdemeanor, and shall upon conviction be fined ten dollars: *Provided further*, that if the hands on said road shall have worked the time hereinafter prescribed for a year's work in that year, then the road supervisor shall report such facts to the board of road supervisors at the next meeting of the board of county commissioners, and it shall be their duty in such case to instruct said road supervisor making complaint to hire hands to repair said road which is in need of repair: *Provided*, that each hand so hired shall receive one dollar per day for the work so done. It shall be the duty of the road supervisors in each township to make a full and complete report of the condition of the roads examined by them, together with the time worked by

each overseer and road subject, to the board of road supervisors twice each year, to-wit, the first Monday in June and the first Monday in December, which report shall be under oath: *Provided*, that the road supervisors in each township shall receive the sum of one dollar and fifty cents per day for the time actually engaged in said duties, which service shall be paid from the road fund due said township. Proviso: pay of supervisors.

SEC. 7. That each overseer shall have power to work the hands allotted to him on his said section of road, and it shall be his duty to work them five days in each year. The overseer shall warn each hand two days before each working, by personal or written notice, stating the time, place, tool and the length of time to be worked: *Provided*, that the leaving of a written notice at the place of residence of any hand shall constitute a legal summons: *Provided further*, that any hand shall furnish a good, able-bodied substitute or pay the overseer the sum of one dollar for each day to be worked within ten days from date of notice, and on failure to comply with this provision said hand shall be fined two dollars for each day that he was notified to work or furnish a substitute to perform said work or imprisoned not more than thirty days. That it shall be the duty of each overseer to make a written report to the road supervisor of his township twice a year, to-wit, on the first Monday in May and first Monday in December, setting forth the amount of time worked by each hand, the different times for which the men have been warned to work, the name and amount of time which any person has failed to work, pay or furnish a hand, together with a statement of the condition of his section of road at the time of said report; that each overseer shall be governed by the instructions of the road supervisor of his township as to the manner and place of work: *Provided*, that if the said supervisor fails to give instructions for same the overseer will use his own judgment and work when and where he deems it most needed. Road duty. Warning. Proviso: written notice. Proviso: substitute or commutation. Penalty for failure. Reports of overseers.

SEC. 8. That all male persons between the ages of eighteen and forty-five years shall be required to work the public roads as heretofore provided: *Provided*, that the county commissioners may excuse anyone for infirmity. Instructions for work. Persons subject to road duty.

SEC. 9. That in the case of washouts or the roads becoming impassable the two days' notice will not be required, and upon receipt of summons of his overseer shall respond promptly. Said hands will not be required to perform more than two days of extra work: *Provided further*, that said overseer shall work said road hands as near to their respective homes as practicable, and never outside of their section. Warning for emergency work. Proviso: location of work.

SEC. 10. That under this act nine hours will constitute a day's labor. Day's work.

Removal.

SEC. 11. That in case any person shall remove from any township or district to another, who has prior to removal performed a part or the whole of the labor for which he is liable for the current year, he shall only be required to perform the amount of labor for which he was liable in the township or district from which he removed, and the certificate of the overseer of the section on which he worked shall be conclusive as to the number of days worked by him before his removal.

Residence defined.

SEC. 12. That for the purpose of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be where he boards in any road district in the county.

Failure of road supervisor to perform duty a misdemeanor.

SEC. 13. That the board of road supervisors or any member thereof, or the road supervisors of the different townships or any overseer who shall fail to discharge the duties herein required of him or them shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars and not more than fifty dollars for each and every offense, or imprisoned at the discretion of the court.

Punishment.

Reports to solicitor.

SEC. 14. That the board of road supervisors shall lay before the solicitor of the district a report of all persons failing to discharge duties required of them by this act, and it shall be the duty of the solicitor to prosecute such persons: *Provided*, that nothing herein shall be construed to give jurisdiction to the Superior Court which otherwise would have been within the jurisdiction of the justice of the peace.

Proviso: jurisdiction.

Service required of overseer.

SEC. 15. That all overseers shall serve one year from the date of their appointment, and that no overseer shall be required to serve more than one year in succession: *Provided*, that any person may refuse to act as overseer or as road supervisor upon the payment to the board of county commissioners the sum of ten dollars, which shall go to the general road fund of the county.

Proviso: payment for refusal to act.

Execution of orders.

SEC. 16. That the sheriff and constable shall execute all orders of the board of road supervisors, and shall be paid by the county for the same as the sheriff is now paid.

Establishment and alteration of roads.

SEC. 17. That the board of county commissioners shall have power to establish, alter or discontinue any public roads in said county, as heretofore provided in The Code.

Principal highways.

SEC. 18. That the principal highways or public roads of said county to be improved or constructed in accordance with the provisions of this act may be carefully surveyed or located by an engineer or surveyor trained and experienced in such work, aided by the township supervisor in the township where the work is to be done, and other assistance as may be deemed necessary, to be paid out of the road fund of said county. The board of county commissioners shall fix the amount paid said surveyor and assistants per day.

Location by engineer.

Pay of engineer.

- SEC. 19. That the county commissioners of Clay County shall levy a road tax of not less than ten nor more than twenty-five cents on the one hundred dollars' worth of property, which tax shall be collected as other taxes and paid to the county treasurer, to be used on the public roads of the county by order of the board of county commissioners in paying the road supervisors and hands hired to do extra work on the roads, building or repairing foot-bridges, building bridges and buying tools for the roads, in the discretion of the board of county commissioners: *Provided*, that all the material and tools furnished to any overseer or township supervisor under the provisions of this act shall be placed in the hands of said overseer or supervisor for safe-keeping, and that any overseer or supervisor who shall allow any tools or material so placed in his hands to be used for private purposes shall be guilty of a misdemeanor and dealt with as hereinbefore provided.
- SEC. 20. That if any township or townships desire a special tax in addition to the amount levied by the county commissioners as general county fund, the said commissioners are hereby empowered and shall, upon the petition of one-half of the qualified voters of any township in Clay County, submit to the voters of said township so petitioning the question. Those favoring the additional tax shall vote a ticket upon which shall be written "For an Additional Tax of"; those not in favor of the additional tax shall vote a ticket upon which shall be written "Against Additional Tax." Said board of commissioners shall call said election at the first special or regular meeting after the filing of the petition as aforesaid, and shall for thirty days give public notice in some newspaper printed in the county, and also by notice posted in three or more public places in said township.
- SEC. 21. That said election shall be held and conducted at the polling place or places established in said township, in the manner and under the same rules and regulations as are now prescribed for the election of county officers under the general laws of North Carolina.
- SEC. 22. That said special tax provided for in sections twenty and twenty-one shall be collected as other taxes and paid to the county treasurer, who shall give said townships credit for said sums.
- SEC. 23. That the county treasurer of said county shall keep said funds which may come into his hands under the provisions of this act separate from all other funds, and shall keep a separate account of the same and of the amount collected by the provisions of this act in each township, and the funds collected in each township shall be used for the purpose provided in this act in the townships where said funds were collected, unless otherwise directed by the board of county commissioners. Said treasurer shall furnish to each township supervisor as soon as practicable a statement setting forth the amount due his township.

Road tax to be levied.
Rate.

Collection.

Specific appropriation.

Proviso: material and tools.

Use of tools or material for private purpose a misdemeanor.

Punishment.

Petition for special township tax.

Tickets.

Call for election.

Notice of election.

Law governing election.

Collection and payment of tax.

Funds kept separate.

Separate accounts.

Use of funds.

Statements furnished supervisors

Bonds of supervisors.

SEC. 24. That the supervisors of the several townships shall, before entering upon the discharge of their duties, deposit with the board of county commissioners bond in the sum to be fixed by said commissioners, conditioned upon the faithful and honest 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 office, and said bond shall be recorded by the register of deeds and filed in the office of the clerk of the Superior Court of said county. Said township supervisors shall also take an oath to discharge the duties of their office.

Supervisor to qualify.

Appointment and pay of foremen.

SEC. 25. That the township supervisors shall have the authority and are hereby empowered to appoint one or more foremen, if necessary, to carry out the provisions of this act, who shall not receive more than one dollar per day. They shall have the same authority to summon hands and receipt for work done or money paid in lieu thereof, and to supervise the constructing and working the public roads as heretofore provided for in this act governing the township supervisors.

Authority.

Orders for money.

SEC. 26. That all orders for money shall be signed by the township supervisor of the township in which work was done, and by the chairman of the board of county commissioners.

Copies of act to be furnished.

SEC. 27. That one hundred copies of this act be published and furnished to the Board of County Commissioners of Clay County.

SEC. 28. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 417.

AN ACT TO AMEND THE GAME LAW FOR BUG HILL AND LEE'S TOWNSHIPS, IN COLUMBUS COUNTY, RELATIVE TO SEASON FOR TRAPPING FUR-BEARING ANIMALS.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That section three of chapter five hundred and five, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended in so far as it applies to Bug Hill and Lee's townships, in Columbus County, by striking out, in lines four and five of said section, the words "the first days of April and January of each year" and substituting in lieu thereof the words "the first days of March and December of each year."

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

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 418.

AN ACT FOR THE PROTECTION OF GAME IN FRENCH'S CREEK TOWNSHIP, CYPRESS CREEK TOWNSHIP, TURNBULL TOWNSHIP AND COLLY TOWNSHIP, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person hunting, chasing with dogs, trap- Protection for
ping, shooting, killing or maiming in any manner whatever any deer.
deer in French's Creek Township, Cypress Creek Township, Turn-
bull Township and Colly Township, Bladen County, unless such
deer shall be taken in the act of destroying growing crops, but
only while actually in the act of destroying such growing crops,
shall be guilty of a misdemeanor and shall be subject upon con- Misdemeanor.
viction to a fine of not less than ten nor more than fifty dollars, Punishment.
said fine to be paid into the county school fund of said county,
or work thirty days on public roads.

SEC. 2. Any person in the territory described in section one who Open season for
shall hunt with dogs, shoot, trap, chase, kill or maim any wild other game.
turkey, wild duck, raccoon or quail, opossums or squirrels at any Misdemeanor.
other season of the year except the months of December and Jan-
uary shall be guilty of a misdemeanor and shall be dealt with in Punishment.
the manner described in section one.

SEC. 3. That this act shall be in force for a period of four years Duration of act.
from the date of its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 419.

AN ACT TO INCORPORATE THE SOUTHERN ASSEMBLY.

The General Assembly of North Carolina do enact:

SECTION 1. That Bishop James Atkins, S. C. Satterthwait, B. J. Corporation.
Sloan, Alden Howell and George R. Stuart, their associates and
successors are hereby declared to be a body politic and corporate,
under the name of the "Southern Assembly," with all the powers Corporate name.
granted to corporations by section one thousand one hundred and Corporate powers.
twenty-eight of the Revisal of one thousand nine hundred and five
of North Carolina.

SEC. 2. The purpose of said corporation is to establish and main- Purpose of cor-
tain in Haywood County, North Carolina, a municipality of the poration.
Methodist Episcopal Church, South, assemblies, conventions, con-
ferences, public worship, missionary and school work, orphan
homes, manual-trades training and other operations auxiliary and

incidental thereto; also a religious resort, with permanent and temporary dwellings for health, rest, recreation, Christian work and fellowship.

Power to acquire and deal with real estate.

SEC. 3. That said corporation shall have power to acquire land by purchase or otherwise, own, hold, buy, sell, convey, lease, mortgage or encumber real estate or other property, personal or mixed, and survey, subdivide, plat, improve and develop lands for purposes of sale or otherwise, and power to construct, maintain and control waterworks and sewerage, with the right and power to order and require connections thereto by residents or others near or adjoining the premises of said corporation; to construct electric-light plants for manufacturing and distributing electric lights and power for corporate use or sale; to build and operate mills, stores, manufacturing plants, railways to be operated by horse, steam or electricity; to build and maintain bridges, drives, trails, highways, streets, sidewalks, parks, lakes and fountains, and to operate and control launches or boats propelled by any power; to establish and operate printing presses; to construct, maintain and operate telephones, and to do other things to promote the health, comfort, pleasure, well-being and convenience of the community; to issue bonds and other evidences of indebtedness, and secure the same by deed of trust or by mortgage.

Power to issue and secure bonds.

Occupations to be licensed by corporation.

SEC. 4. No person shall open or operate a store, sell goods, wares or merchandise, keep a huckster shop or butcher shop or any place where vegetables or fresh meat are sold, or shall operate a sales, dray or livery stable, keep and manage hotels or boarding houses or carry on any kind of business within the limits of the corporation without a license from said corporation having been obtained. The privilege tax and penalty for violation shall be such as may be prescribed by the ordinances of the corporation.

Cemetery.

SEC. 5. The corporation may establish a cemetery, apart from the assembly grounds, on land to be acquired, and govern and control the same by rules and regulations to be prescribed by the ordinances of the corporation.

Taxes for municipal purposes.

SEC. 6. The board of commissioners of said corporation may levy and cause to be collected taxes for municipal purposes, not exceeding three dollars on the hundred dollars and two dollars on the poll, on all property, franchises and persons within the corporation, and may annually levy a privilege tax on all trades, professions and business to be carried on or enjoyed within the corporation.

Privilege taxes.

Ordinances.

SEC. 7. The board of commissioners of said corporation shall have power to enact ordinances for the government of the municipality not inconsistent with the laws of the State, and may enforce them by suitable penalties.

Prohibition of liquors.

SEC. 8. The manufacture, sale or keeping with intent to sell intoxicating liquors, including ale, beer, wine and cider, on any land belonging to the corporation is forever prohibited, and any

person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 9. The property of the said corporation shall be exempt from taxation: *Provided*, this section shall not be so construed as to exempt the poll tax of any resident or the property owned by a resident or lotholder in said corporation and taxable by law.

Exemption from taxation.
Proviso: exemption not to apply to poll tax nor property owned by individuals. Hotels, auditoriums and other buildings.

SEC. 10. That the said corporation shall have power to purchase, build, construct, operate and maintain hotels, auditoriums and such other buildings as the said board of commissioners of the said corporation may deem advisable for the purpose of carrying out the business of the said corporation.

SEC. 11. The total authorized capital stock of the said corporation shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares of a par value of one hundred dollars each, and at least three-fourths of the capital stock of the said corporation shall be held by members of the Methodist Episcopal Church, South.

Capital stock.
 Shares of stock.

SEC. 12. The corporate powers can be exercised only by a board of commissioners and in pursuance of resolutions adopted by said board. The board of commissioners shall consist of not less than six nor more than nine members, to be elected by the stockholders at their annual meetings, one-third of whom shall hold office for one year, one-third for two years and the balance for three years. Upon failure of the stockholders to elect the board of commissioners as herein provided, then the said board of commissioners may elect and fill vacancies in the membership of said board. Until the first annual meeting of the stockholders, the persons named in this act and such other persons as they may elect shall constitute the board of commissioners, with power to act in the premises.

Exercise of corporate powers.

Board of commissioners.
 Elections and term of office.

Vacancies.

First board.

SEC. 13. There shall be an annual meeting of the stockholders on the assembly grounds during the sessions of the summer assembly, at a date to be fixed by the chairman of the said board of commissioners, at least ten days before the meeting, notice of which shall be posted on the assembly bulletins, and mailed, with the request to publish, to one or more of the denominational papers published in the States wherein are stockholders.

Annual meetings of stockholders.

SEC. 14. Upon failure of the stockholders to meet in annual session, the board of commissioners may fill all vacancies caused by death, removal, resignation or any other cause, and shall have the right to exercise all the powers granted in this charter. The said board of commissioners may meet at such times and places as are fixed by the by-laws. Upon the written request of the chairman or two members of said board, a called meeting of the board may be had at any time by the secretary, by notice of the time, place and object of the meeting being mailed to the last-known address of each member of the board at least ten days

Powers of commissioners on failure of stockholders to meet.

Meetings of commissioners.

Votes by mail.	before the date of meeting; and whenever it becomes necessary between the meetings of the board of commissioners to obtain their votes on any question pertaining to the interests of the corporation, such may be taken by written ballot mailed to each member of the board at his last-known address, but it shall require a two-thirds majority by mail; and when obtained the same shall be entered on the secretary's record of the commissioners' meeting, and shall be as binding as if passed in a regular meeting of the board.
Further powers of commissioners.	SEC. 15. The board of commissioners shall have power and authority to enact ordinances for the regulation, control and government of the corporation, to preserve order, to make sanitary laws for the protection of health and to enforce the same, and any other ordinances for the comfort and well-being of the community, which said ordinances may be amended or repealed at any time by a majority of the votes of said commissioners.
Executive committee.	SEC. 16. The board of commissioners may appoint from its members an executive committee, consisting of three members, and may delegate to the executive committee any and all powers and rights not reserved by the stockholders, which delegated rights and powers must be specifically described in the by-laws of the corporation.
Delegation of powers.	
Membership to cease on sale of stock.	SEC. 17. The membership of any stockholder shall terminate by the transfer of his or her stock, and the purchaser thereof shall, <i>ipso facto</i> , be a stockholder in the corporation, with all the rights of original stockholders, upon a transfer of such stock upon the books of the corporation; but at least three-fourths of the purchasers of said stock shall at all times be members of the Methodist Episcopal Church, South; and if at any time more than one-fourth of the purchasers of such stock should not be members of said church, then the amount of such stock so held by nonmembers of said church shall in nowise have any right to representation, voice or vote in the corporation or in the meetings thereof.
Purchase to carry membership.	
Appointment of mayor.	SEC. 18. The board of commissioners may appoint a mayor at each annual meeting of the board, who shall be constituted an inferior court, and shall be a magistrate or conservator of the peace within the limits of the corporation; shall have the jurisdiction of the justice of peace in all criminal matters arising under the law of the State or under the ordinances of the corporation.
Inferior court.	
Jurisdiction.	The rules of law regulating the proceedings before a justice of the peace shall be applicable to proceedings before such mayor, and he shall be entitled to the same fees as are allowed to the justice of the peace in all cases arising out of the State laws or under the ordinances of the corporation.
Proceedings.	
Fees.	
Judicial power and authority of mayor.	SEC. 19. As such court, the mayor shall have authority as mayor to hear and determine all cases that may arise upon the ordinances of the corporation, to enforce penalties by issuing execution upon

any adjudged violation thereof, and to execute the laws, rules and ordinances that may be made and provided by the board of commissioners of said corporation for the government and regulation thereof; but in all cases any person dissatisfied with the judgment of the mayor may appeal to the next criminal term of the Superior Court, as in case of judgment rendered by a justice of peace. If the offense charged exceeds the jurisdiction of the justice of the peace the mayor may bind the accused, under proper bond, payable to the State of North Carolina, to the next term of the Superior Court of Haywood County. In all cases of appeal from the mayor's court to the Superior Court, when the offense charged is the violation of the corporate ordinance, the mayor shall send with the papers in the case a true copy of the ordinance alleged to have been violated, and shall certify under his hand and seal that said ordinance was in force at the time of the alleged violation of the same, and such certificate shall be held and taken to be *prima facie* evidence of its passage by the said board of commissioners for the purpose of said trial.

SEC. 20. Before entering upon his duties, the mayor, before some person authorized by law to administer oaths, shall take and subscribe the oath to the effect that he will faithfully and impartially discharge the duties imposed upon him by law, which oath, with the records, shall be recorded in the book of records of the corporation.

SEC. 21. In all cases when judgment may be entered up against any person for fines under the laws and ordinances of the corporation, and the person against whom the same is adjudged refuses or is unable to pay such judgment or fine, it may and shall be lawful for the mayor before whom such judgment was entered to order and require such person so convicted to work on the streets or other public works until at a fair rate of wages such person shall have worked out the full amount of the judgment and costs of the prosecution, or the offender may be committed to the common jail of Haywood County, with the right of the commissioners to work him on the public roads of the said county, and all sums recorded for such fines shall be paid into the treasury.

SEC. 22. The board of commissioners may and it is authorized to appoint one or more town marshals, who shall, before a person authorized to administer oaths, take and subscribe to an oath that he will faithfully and impartially discharge the duties of his office according to law, which oath shall be filed in the records and recorded in the books of the corporation.

SEC. 23. The said marshal or marshals, as police officers, shall within the corporation have all the powers of a constable in the county, and as ministerial officers shall have power to serve all criminal and civil processes that may be directed to them by the

Right of appeal.

Parties bound over.

Record on appeals.

Mayor to qualify.

Fines worked out.

Town marshals.
Marshals to qualify.

Powers of marshals.

mayor or by any court within the county or counties within which the corporation is situated, under the same regulations and penalties as are prescribed by law in the case of constables, and to enforce the ordinances of the corporation as the board may direct; and the said marshal or marshals are hereby authorized and empowered to arrest all offenders against any of the ordinances of the said corporation committed in his or their presence without warrant.

Tax collector and treasurer.

SEC. 24. The board of commissioners may appoint a tax collector and treasurer and fix their bonds, payable to the corporation, for the faithful performance of their duties and for a true accounting and return of all moneys collected or paid into the treasury of the corporation at such time or times as are required by the board of commissioners of said corporation or the executive committee; and it may appoint any other committee or officers that may be necessary, and prescribe their duties and powers.

Other committees or officers.

Powers of tax collector.

SEC. 25. The tax collector shall have the same power to collect taxes imposed by the board of commissioners of this corporation as the tax collector of the town of Waynesville possesses. This corporation shall have the same powers to sell property for failure to pay taxes as is vested in the town of Waynesville, North Carolina, and proceedings of sales shall be the same.

Sales for taxes.

Members not liable for debts of corporation.

SEC. 26. The members of this corporation shall not be personally liable for the debts, contracts, obligations or torts of the corporation.

Corporate limits

SEC. 27. The corporate limits of this corporation shall be as follows: Beginning at a stake on the northerly side of Boundary Street, in the town of Waynesville, North Carolina, said stake being on the easterly side of Atkins Road (corner of W. T. Lee's property); thence with the easterly side of said Atkins Road to the line between Luther McClure and Will Tate; thence with said Tate's southerly line to Walnut Street, crossing said Walnut Street on same line; thence with southerly side of said Walnut Street to a point three hundred feet beyond Powell's Branch; thence parallel with and three hundred feet to the east of Powell's Branch to the Keller and Bridges line; thence with the Keller and Bridges and Ellis lines to a street or road; thence with the southerly side of said road or street, along S. H. Keller's line, to its intersection with the old county road leading to Howell's mill; thence with said old county road to James Underwood's easterly line; thence with said James Underwood's easterly line or lines to the line of Maggie Marshall and R. G. A. Love; thence with the easterly and northeasterly line or lines of said Maggie Marshall and R. G. A. Love to Richland Creek; thence with Richland Creek to Nelson Howell's north line; thence westward with said Nelson Howell's north line or lines, Turpin Moody's and Turpin's to the M. H. Love estate line, on a ridge; thence with said M. H. Love estate line (near top of ridge) to said Love's corner, at or near

the top of ridge; thence northerly with Love and Turpin's line to easterly side of a branch; thence with line of Ray and Love westerly to a branch near rock quarry, Ray and Love's corner; thence northerly with that line to the Jonathan's Creek macadamized road; thence with the easterly side of the said Jonathan's Creek Road to Will Farmer's line; thence with said Will Farmer's line to Richland Creek; thence with said Richland Creek to a stake on the easterly bank, said stake being in line with the northerly side of Boundary Street; thence along the northerly side of Boundary Street to the beginning. And any and all portions of the aforesaid boundary which are now included within the corporate limits of the town of Waynesville are hereby expressly withdrawn from the jurisdiction and corporate limits of said town: *Provided, however*, that the residents and property of said territory so withdrawn shall be and remain subject to the jurisdiction of the said town of Waynesville until such time as the Southern Assembly has been completely organized and in active operation; and the corporate limits of this corporation shall also include and extend over any and all other boundaries of land hereafter owned by the Southern Assembly in Haywood County and lands owned or leased by it to any other person.

Proviso: jurisdiction of Waynesville.

SEC. 28. The corporation shall be considered organized upon the passage and ratification of this act, without a meeting of the directors or further notice. The incorporators herein named and such others as they may elect, not exceeding the number allowed on the board of commissioners, may exercise the powers herein conferred until their successors have been elected.

SEC. 29. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 30. This act shall be considered a public act and shall be in force and effect from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 420.

AN ACT TO IMPROVE THE PUBLIC ROADS IN CERTAIN TOWNSHIPS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Brunswick County shall be and is hereby authorized, empowered and directed, upon the petition of at least one-fourth of the qualified voters of any of the following townships of Brunswick County, to-wit, Lockwood's Folly, Shallotte, Waccamaw, Town Creek or Northwest townships, to submit, within sixty days after such petition is received and acted upon, to the qualified voters of such

Petition for election.

Time for election.

- Proviso: further election. township the question as to whether or not that said township petitioning shall issue bonds in a sum certain, the proceeds from the sale of which to be used for the purpose of laying out, altering and improving the public roads of such township: *Provided*, that if a majority of the qualified voters of such township shall not vote to issue said bonds at such an election under this act, that the board of county commissioners may, at any time after two years from the date of said election, upon a new petition of at least one-fourth of the said qualified voters of the township, again submit the same question under the provisions of this act:
- Proviso: limit of issue. *Provided further*, that the question of the bond issue shall be upon a sum not in excess of ten thousand dollars for Lockwood's Folly Township, nor in excess of ten thousand dollars for Shallotte Township, nor in excess of ten thousand dollars for Waccamaw Township, nor in excess of fifteen thousand dollars for Town Creek Township, nor in excess of fifteen thousand dollars for Northwest Township.
- Notice of election. SEC. 2. That the board of county commissioners shall give at least twenty days' notice of any election held under this act by publishing the notice in some newspaper published in Brunswick County, if one be published, and also by posting at four public places in the said township; and any election held under the provisions of this act shall be held and conducted in the same manner, except as herein otherwise specified, as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said county commissioners shall appoint the registrars, judges and other election officers. The vote shall be counted at the close of the polls and returned in a sealed package by the returning officer, under the hands and seals of the election officers holding the election in the respective precincts, to the clerk of the board of county commissioners on the second day next following the election; and the said board of county commissioners shall at the first regular meeting thereafter tabulate the said returns and declare the result of said election, which shall be recorded in the minutes of the said board of county commissioners and in the record of elections, and no other recording and declaration of result of said election shall be necessary.
- Law governing elections. Proviso: appointment of election officers. Count and return of votes. Tabulation of returns and declaration of result. Ballots. SEC. 3. That at such election the ballots tendered and cast by the qualified voters shall be of convenient size, prescribed by the board of county commissioners, and shall have written or printed or partly printed and partly written upon them "For Road Bonds" or "Against Road Bonds," and all qualified voters who favor issuing said bonds and the levying of the necessary taxes for the payment of the same and the interest thereon shall vote "For Road Bonds," and all qualified voters who oppose the issue of said bonds and the levy of necessary tax for the payment of the same shall vote "Against Road Bonds."

SEC. 4. That if a majority of the qualified voters of any such township shall in such election cast their votes "For Road Bonds," and the result be so declared and recorded, the board of county commissioners shall as soon as is practicable thereafter issue and sell to the best advantage the said bonds so authorized by the election held in the township, in denominations of not less than one hundred dollars and not more than one thousand dollars, the total amount of such issue not to exceed ten thousand dollars for Lockwood's Folly Township, nor ten thousand dollars for Shalotte Township, nor ten thousand dollars for Waccamaw Township, nor fifteen thousand dollars for Town Creek Township, nor fifteen thousand dollars for Northwest Township: *Provided*, that no bond shall be disposed of by the said board of county commissioners under this act at less than its face value. The said bonds shall bear a rate of interest of not more than five per cent per annum, shall have interest coupons attached, which coupons shall be payable annually on the first Monday in April of each year during the running of said bonds, at the office of the Treasurer of Brunswick County, and the principal thereof shall be payable and redeemed twenty years from the date of issue. Said bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the seal of the said county and shall be styled "(name of township) Township public-school bonds." The bonds and the coupons shall, when the bonds are issued, be numbered consecutively, beginning with Number One, and the coupons attached and issued with them shall bear the numbers of the bonds to which they are attached, and the bonds and coupons shall show on their face when they are due and where payable, and the bonds shall show by what legislative act they are issued. The said board of county commissioners shall have all their proceedings in respect to said bonds recorded in its minutes; and when the said bonds are issued, the number of the bonds, the date, the denomination, to whom sold and the number of coupons attached to each bond shall be recorded in said minutes.

Issue and sale of bonds.

Denominations.
Amount of issue.

Proviso: bonds not to be sold below par.
Interest.

Maturity.
Authentication.

Style.

Record of proceedings and of bonds.

SEC. 5. That in case the result of said election under this act be in favor of issuing the township bonds, as aforesaid, the Board of County Commissioners of Brunswick County shall levy annually on the first Monday in June in each year after the said bonds are sold a special road tax for the said township voting such bonds of not exceeding ten cents on the one hundred dollars' worth of property and thirty cents on each poll (the constitutional equation always to be observed). The subjects of taxation and the levy of taxes shall 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 pro-

Special tax.

Tax limit.
Constitutional equation.

Collection.	vided for shall be limited to such township voting said bonds. The taxes so levied shall be collected as other taxes and paid to the county treasurer as other taxes are paid, and the same shall be
Application.	a separate fund, and shall be applied by the board of county commissioners first to the payment of interest on the said bonds herein provided for, and then to the creation of a sinking fund
Sinking fund n special trust.	for the redemption of said bonds. Said sinking fund shall be held by the board of county commissioners in special trust for the payment of the bonds issued under this act for the respective townships, and neither the principal thereof nor the interest thereon shall
Deposit or invest- ment of sinking fund.	be expended for any other purpose. Said sinking fund shall be deposited, at interest, by said board of county commissioners in any bank or banks in North Carolina that the board may deem safe, or shall invest in North Carolina interest-bearing bonds:
Proviso: purchase of bonds.	<i>Provided</i> , that said board may in its discretion from time to time use any and all of said funds for the purchase in the open market of any bonds issued under the provisions of this act, and if so purchased the said bonds shall be canceled and a record made
Further tax for sinking fund.	of the same in the minutes of the said board: and after the expiration of ten years from the date of issue the board of county commissioners shall be and is hereby authorized and directed to levy at the same time and manner that other taxes are levied
Rate.	an additional tax of not exceeding ten cents on the one hundred dollars' worth of property and thirty cents on the poll in the township, which tax shall be collected as other taxes are collected and deposited by the board of county commissioners as a part of the sinking fund created for the redemption of the said bonds, and shall be held and applied as above set forth.
Collection.	
Proceeds of bonds kept as separate fund.	SEC. 6. That when any of the said bonds are sold the proceeds of the same shall be turned over to the Treasurer of Brunswick
Separate account.	County, who shall keep said fund separate and apart from all other funds, and he shall keep a separate official account of the same:
Proviso: treas- urer's commis- sions.	<i>Provided</i> , that the treasurer's commissions for receiving the said fund shall not exceed one-fourth of one per cent: <i>Provided fur-</i>
Proviso: treas- urer's bond.	<i>ther</i> , that the said treasurer shall first execute an official bond, to be approved by the board of county commissioners, payable in the usual manner, in a penal sum of at least a sum equal to the sum which may come into his hands by reason of this act, con-
Township road orders.	ditioned upon the faithful and safe-keeping of the said funds and the rendering of true accounts in respect thereto. All orders for the payment of money under this act shall state on their face that they are township road orders for that certain township, and to what account they are chargeable, and shall be signed by the chairman of the board of road commissioners, hereinafter provided
Itemized state- ments.	for, and countersigned by the secretary of the said board. The treasurer shall make and file a separate itemized statement of all receipts and disbursements of this fund at the time of making

his official annual report and whenever required to do so by the board of county commissioners or the board of road commissioners: *Provided*, that if the said bonds are issued and sold as herein provided the expense of holding the election and all necessary expenses incident to the preparation and sale of the said bonds shall be paid for out of the road fund provided by this act, but the expense of any necessary meetings of the board of county commissioners shall not be paid for from the said fund.

SEC. 7. That in the event a majority of the qualified voters of any such township shall vote "For Road Bonds," and the result shall be so declared and recorded, the Board of County Commissioners of Brunswick County shall, at the meeting when the sale of the said bonds is perfected and the money received, and every two years thereafter, appoint a board, to be known as the board of road commissioners of such township, said board to be composed of three members, each of whom shall be a qualified elector of such township and shall hold office for a term of two years and until their successors are appointed and qualified. The board of county commissioners shall have power to fill all vacancies upon said board of commissioners, in case of the death, resignation, removal or otherwise made vacant, for the remainder of the unexpired term. As soon as is practicable after appointment, the commissioners shall meet and take and subscribe an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability, and the said oath shall be filed with the clerk of the board of county commissioners. Said board shall then organize by electing one of its number as chairman and another as secretary, and they shall pass such rules for the government of the body as they may deem best. The members of said board shall receive as compensation for their services two dollars per day for such time only as they are actually engaged in attending upon the active duties prescribed by this act.

SEC. 8. The said board of road commissioners shall keep a record of the minutes of its proceedings, and shall make a report semiannually, after the date of its appointment, to the board of county commissioners, stating therein the nature, character and where road improvement has been done, and shall give an itemized statement of the moneys expended, tools purchased, tools and material on hand and such other matters as the board may see proper to report. The chairman of the said board of road commissioners, by authority of the said board of road commissioners, shall sign all orders on the treasurer for the payment of any money to be expended to carry out the purposes of this act, and such orders shall be countersigned by the secretary, who shall keep in a separate book an account of all orders, in addition to the regular minutes of the proceedings of the board; but no order

Proviso: expense of election, preparation and sale of bonds.

Township road commissioners.

Terms of office. Vacancies.

Commissioners to meet and qualify.

Organization.

Compensation.

Record of proceedings. Semiannual reports.

Itemized statements.

Road orders.

Specific appropriation of funds.	shall be passed for the payment of money by the said board until the statement of the nature of the claim, verified by the oath of the payee to the effect that no part of the same has been paid, shall be filed and approved by said board; and the funds provided for in this act shall not be used for any other purpose than for the improvement of the public roads in the township voting the said bonds and the necessary expense incident thereto.
Powers of road commissioners.	<p>SEC. 9. That the said board of road commissioners shall have power to purchase and hold road tools and machinery for working the roads of said township; to employ such foremen and laborers as they may deem necessary to perform such work; to hire such teams, machinery and tools as the board may deem necessary; to purchase the necessary material for building roads; to accept donations of money and labor for the improvement of the roads; to improve the roads by such methods and in such a manner as the board may deem proper; to lay out any new roads, straighten and alter roads for public use in the said township and, by and with the consent of the county commissioners of said county, discontinue any old road or establish any new public road in said township: <i>Provided</i>, that persons aggrieved by the enforcement of this clause may appeal from the order made by the board, as provided in section two thousand six hundred and ninety of the Revisal of one thousand nine hundred and five. And they shall have power to provide for the working of a chain gang or other convict force on the roads of said township, and to have all necessary power and authority to do all things necessary to carry into effect the provisions of this act in such respective township.</p>
Proviso: appeals from orders discontinuing or establishing roads.	<p>SEC. 10. That nothing herein contained shall be construed to modify or change in any respect the general law which provides for the working of the public roads in such township, but the law provided or that may hereafter be provided shall remain unchanged, so far as this act may go: <i>Provided</i>, that upon the change of any public road, which may be accepted by the board of county commissioners, that road hands shall be allotted in accordance therewith, under the general law, by the supervisors in such townships.</p>
Chain gang or convict force.	<p>SEC. 11. That the board of county commissioners shall have power to remove from office, for good and sufficient cause, any member of the board of road commissioners for any official neglect or misconduct in office, first giving notice and a hearing to such road commissioner, and shall fill the vacancy so created: <i>Provided</i>, that an appeal may be had to the Superior Court from such order of removal; but the road commissioner so removed shall not exercise any of the duties of office pending the appeal.</p>
General law to apply.	<p>SEC. 12. That the board of road commissioners and its foreman, superintendent and laborers are hereby empowered and authorized to enter upon any uncultivated lands near to or adjoining roads upon which work is being done under this act, and to cut and</p>
Removal of road commissioners for cause.	
Proviso: right of appeal.	
Entry on land for material.	

carry away timber (except trees or groves on improved land left for ornamental purposes), and to dig and carry away any sand, gravel or clay which may be necessary to construct, improve or repair such roads, and to enter upon adjoining lands and dig such drainage ditches as may be necessary for the betterment of the roads. If the owner of any lands from which timber, sand, clay or gravel be taken, as aforesaid, or the owner of lands on which the new part or parts of any road or roads shall be located shall claim damages therefor, and the same be not settled within thirty days after demand, such person may file his petition with the secretary of the board of road commissioners, asking for a jury, which jury shall be three disinterested freeholders, and the jury shall be selected and summoned by the sheriff, upon the written request of the clerk of the said board, and shall be selected by the sheriff from the electors in such township, as provided by law; and the sheriff shall give the landowner forty-eight hours' notice of the time and place where the said jury shall meet to assess his damage claim, and said jury, after being duly sworn, shall in considering the question of damages also take into consideration the benefits to the owner of the land to follow the improvements made or to be made, and if said benefits be equal to or greater than the damages sustained the jury shall so declare, and no award shall be made of damages; and if the damages sustained shall exceed the benefits to be derived from the said road or roads the jury shall so find, and shall assess the amount of damages to which it finds the petitioner entitled, and shall make report of its findings, in writing, signed by each member of the jury, to the board of road commissioners for confirmation or revision: *Provided*, that an appeal from such order may be had to the Superior Court by the party aggrieved; and the judge may in his discretion require a bond for costs from the said landowners, in case of a continuance or an appeal to the Supreme Court.

Drainage ditches.

Procedure for settlement of damages.

Proviso: right of appeal.
Bond on appeal.

SEC. 13. That any judge of the Superior Court holding courts in any county in the State may, in his discretion, sentence any person convicted of crime to work on the public roads of such township: *Provided*, that the board of road commissioners shall first provide for a convict force and request the county commissioners of said Brunswick County, who shall make application to the judges of said courts for said convicts before such assignment can be made by any such judge; and the justices of the peace and mayors of incorporated towns in Brunswick County before whom a person shall be tried and convicted may, in the exercise of their jurisdiction prescribed by law, when the punishment inflicted by law be imprisonment, sentence such convicted person to work on the public roads in such township for the prescribed time that he would be imprisoned for the offense: *Provided*, that a convict force be first provided for by the board of road trustees and that the same be in operation at the time.

Convicts sentenced to road work by superior court.

Proviso: conditions precedent.

Convicts sentenced to road work by justices or mayors.

Conditions precedent.

Malfeasance in
office a misde-
meanor.

Punishment.

SEC. 14. That any official who shall willfully misappropriate any funds provided for in this act, or who shall willfully and corruptly use his official position to the detriment of the purposes of this act, shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 421.

AN ACT TO ESTABLISH THE STOCK LAW IN A PART OF WARSAW TOWNSHIP, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Stock law estab-
lished.

Boundaries of
territory.

SECTION 1. That from and after the ratification of this act the stock law shall be and hereby is established in all of the following territory in Warsaw Township, Duplin County: Beginning on the township lines of Warsaw and Kenansville townships where the same cross the public road leading from Warsaw to Hallsville, near J. A. Powell's house; thence with the Warsaw and Kenansville township lines to the run of the Grove Swamp; thence a straight line to the eastern boundary line of the town of Warsaw at a point where the lands of E. J. Hill and W. L. Hill meet; thence running to the northeast corner of the town of Warsaw; thence running the northern boundary line of the town of Warsaw to the northwest corner of said town of Warsaw; thence beginning at the northwest corner of the town of Warsaw; thence a straight line to the eastern corner of M. T. Murrey's land, on the Clinton and Warsaw public road; thence to the railroad crossing at Pierce's siding; thence with the railroad to the crossing at Baltic; thence with the rural-route road to John Blanchard's land line; thence with the lines of the Blanchard, Faison, Best and Boyette land lines to the mill road leading from Pierce's siding to Best's mill; thence the mill road across the dam to the southern end thereof; thence the Strause and Gavin line to the main road that leads from Warsaw to S. M. Carlton's; thence that road to S. M. Carlton's line, between said Carlton and Gavin; thence with Carlton, H. S. Boyette, Gavin, heirs of W. C. Carlton, Winder's and Middleton's lines to the road which leads from Johnson's Church to John Howard's; thence that road to Winder's and Ricaud's line; thence with their line to the main road that leads from Kenansville to the fiftieth milepost; thence that road to the beginning. The above boundaries are intended to include

Town of Warsaw
included.

the present Warsaw stock-territory boundaries, and also to include the corporate limits of the town of Warsaw, North Carolina. And from and after the said day it shall be unlawful for any horse, hog, mule, jack, jennet, cattle, sheep or goat to run at large in any part of said territory, under the pains and penalties set forth in chapter thirty-five of the Revisal of one thousand nine hundred and five and under the existing laws of North Carolina.

Unlawful for stock to run at large.
Pains and penalties.

SEC. 2. That the county commissioners of the county of Duplin are hereby authorized, empowered and directed to levy a special tax on all the real property in the boundaries mentioned in section one of this act not to exceed twenty-five cents on the one hundred dollars' worth of property at its assessed value for taxation in said stock-law district, and it shall be the duty of the sheriff and tax collector of said county to collect said taxes as he does State and county taxes; and to this end the said sheriff and tax collector is invested and empowered with all the authorities now given to sheriffs and tax collectors under the existing laws of North Carolina.

Levy of special tax directed.

Rate.

Collection of tax.

SEC. 3. That the moneys collected by virtue of this act shall be used for the purpose of completing the fence around said district and paying the debt now incurred in building the fence around said district and paying the interest due on such bonds as are not now paid, and keeping in repair the fence around said district; that the sheriff shall keep the money collected under this act, to be known as the "Warsaw stock-law fund," and shall pay the same out only upon the order of the board of fence commissioners hereinafter appointed, approved by the board of county commissioners.

Appropriation of proceeds of tax.

Orders on fund.

SEC. 4. That the Board of County Commissioners of Duplin County shall appoint a fence commission, composed of five freeholders, who shall live in the boundaries mentioned in section one of this act, whose duty it shall be to attend to the fence building and fence repairing and pay all bills for fence building and fence repairing, and whose duty it shall further be to see that the stock law is enforced within the above boundaries, and to buy wire and rails or such material as they shall deem best for building and repairing said fence.

Appointment of fence commissioners.

Duties.

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

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 422.

AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS OF ROBESON COUNTY AND TO LEVY A TAX FOR THE SAME.

The General Assembly of North Carolina do enact:

Election of road trustees for townships.

SECTION 1. That the Board of Commissioners of Robeson County shall, on the first Monday in April, one thousand nine hundred and nine, and semiannually thereafter, elect, upon the recommendation of the members of the General Assembly, a board of road trustees for each township in the county, which shall be composed of three citizens, residents and taxpayers of the township, and they are hereby incorporated, and the "Board of Road Trustees" of such township shall be their corporate name. Said board may sue and be sued, adopt a common seal and do any and all things which may be necessary for the accomplishment of the things designated for said board to do under the provisions of this act, and may purchase and hold property which may be necessary for the exercise of its powers.

Road trustees incorporated. Corporate name. Corporate rights.

Term of office.

SEC. 2. The term of office of the members of said board shall be for the term of two years and until their successors are elected and qualified as provided in this act. If for any cause there should be a vacancy in said board the Board of Commissioners of Robeson County shall appoint some fit and competent taxpaying citizen of said township to fill such vacancy, to hold until the election and qualification of his successor, as herein provided. The said board shall meet within twenty days after its election and organize by the election of one of its members as chairman and one of its members as secretary.

Vacancies.

Meeting and organization.

Qualification of trustees.

SEC. 3. That members of said board, before entering upon the discharge of their duties, in addition to the oath to support the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, as are now required to be taken by public officers, shall take before some justice of the peace of Robeson County, or other person competent to administer an oath, the following oath of office, viz.: "I do solemnly swear (or affirm) that I will honestly, diligently and faithfully perform the duties of the office of road trustee of Township, Robeson County, to the best of my knowledge, skill and ability: so help me, God."

Form of oath.

Meetings of trustees.

SEC. 4. The road trustees shall meet in some place in their respective townships to be agreed upon by themselves or, in the absence of such agreement, to be named by their chairman, on the first Monday in May and November, and at such other times as a majority of them may deem advisable, and shall keep a record of their proceedings. It shall be the duty of the road trustees to ex-

Record of proceedings.

amine into the condition of the public roads of their respective townships at least twice in each and every year, and make a report, in duplicate, on the condition of the said public roads, and present one copy of said report at the May and November meetings of the board of county commissioners, and shall transmit a copy of said report to the solicitor, with such instructions as they may deem proper.

Examination and report on condition of roads.

SEC. 5. The board of road trustees shall have the right to lay out, alter or discontinue public roads that are wholly within their townships; and the board of county commissioners shall have the right to lay out, alter or discontinue public roads that extend into two or more townships: *Provided further*, that the right of way of all public roads shall be forty feet wide, and the supervisors, with the approval of the road trustees, shall determine how much of said right of way shall be used for public-road purposes.

Roads within township.

Roads in two or more townships.

Proviso: right of way.

SEC. 6. That each and every person who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor of the Seventh Judicial District to prosecute all the offenses against the provisions of this act.

Neglect or refusal to perform duty a misdemeanor. Punishment.

Solicitor to prosecute.

SEC. 7. That the board of road trustees of the several townships of Robeson County shall, on the first Monday in May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and appoint one person supervisor of roads for the township: *Provided*, if the board of road trustees think better they may appoint more than one supervisor for a township, but not more than three; and in case more than one supervisor is appointed for a township, then the road trustees shall furnish each supervisor with a plat of his road district. Supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees shall require a bond of such supervisors, payable to the State of North Carolina, in trust for said township, in such sum as they may determine, with surety to be by them approved, conditioned for the faithful discharge of the duties of said office, and on refusal or neglect to qualify and serve shall forfeit and pay the sum of twenty-five dollars and costs, to be collected by the road trustees in an action of debt. Money so collected shall be paid over to the county treasurer and shall go into the road fund of the township.

Road districts.

Appointment of supervisor. Proviso: number of supervisors.

Oath and bond of supervisors.

Forfeit for refusal or neglect to qualify and serve.

Forfeit to use of road fund.

SEC. 8. And when a vacancy shall occur in the office of supervisor, by death, resignation or otherwise, the road trustees of the township where the vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall, before

Trustees to fill vacancies.

entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as was his predecessor.

Duties of supervisors.

SEC. 9. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district or township; the same to keep in repair and to remove or cause to be removed all obstructions that may from time to time be

Entry on land for material.

found thereon, for which purpose said supervisors are hereby authorized to enter upon any lands not encumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or clay which may be necessary to make, improve or repair said road,

Drains or ditches.

and to enter on any lands adjoining or lying near the roads to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon, and timber, as the nature of the case and the public good will admit; and the drains or ditches so made shall be conducted to the nearest water way, ditch or drain, and shall be kept open by the supervisors, and shall not be obstructed by the owners or occupiers of said lands or any person or persons having same in charge, under the penalty of forfeiting the sum of ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the county treasurer and applied to the road fund of said township; and if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drains and ditches to the nearest water way or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor.

Penalty for obstructing ditches.
Penalty to use of road fund.

Injury to lands a misdemeanor.

Supervisors to collect fines, forfeitures and penalties.

SEC. 10. That the several supervisors within their respective districts or townships shall collect by suit or otherwise all fines, forfeitures and penalties arising or accruing under the provisions of this act, unless the question thereof is herein otherwise provided for; and they are hereby authorized and required, before their settlement with the road trustees and the board of audit and finance, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures or penalties can be collected; and the said judgment, if not paid, together with the costs therein, shall remain and be in force against the judgment debtor.

Expenditures for benefit of roads.

SEC. 11. That the several supervisors shall expend all moneys by them collected for the benefit of the roads in their respective townships or districts, and every supervisor is hereby required to account to the road trustees at such monthly settlement for all moneys expended under this act for said month.

Monthly settlements.

Moneys paid over to county treasurer.

SEC. 12. That all moneys that remain in the hands of any supervisor at the time of the annual settlement with the road

trustees shall be paid over to the county treasurer and by him placed to the credit of the road fund of the township, and said supervisor shall take a receipt from the treasurer for the same. It shall be lawful for any supervisor to sue out executions on any judgment that remains unpaid within his proper district at any time when in his opinion the same can be collected, and the money received and collected shall be expended as provided in the foregoing sections. Executions on judgments.

SEC. 13. That the supervisors of public roads within said county are hereby authorized and directed to construct footlogs over streams of water on said public roads. Footlogs.

SEC. 14. That each supervisor within his township or district shall erect and keep up at the expense of the township at the forks or crossing of public roads a post and guideboard, or finger-board, containing an inscription in legible letters directing the way and distance to the town or towns or other public place or places situated on each public road, respectively; and shall erect and maintain mileposts on all the public roads of their township or district. Post and guideboards. Mileposts.

SEC. 15. That if any person shall willfully demolish, tear down, alter or deface any such post or guideboard, every person so offending shall upon conviction thereof before any justice of the peace of the county be fined in any sum not exceeding twenty-five dollars and costs or imprisoned not exceeding twenty days, and the money, when collected, shall be by the justice of the peace collecting the same paid over to the supervisor in whose district the offense was committed, and by him applied to the repair of the roads within his district. Punishment for injury to guide or mileposts. Fine to use of road fund.

SEC. 16. That the road trustees of the several townships be and they are hereby authorized to furnish plows, scrapers and other tools for the use of the several road districts within their townships, to be paid for out of the money in the county treasury to the credit of said township for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession, and he shall, on the first Monday in May, annually, return the same to said road trustees, and the amount for which such supervisor may be liable for improper use or neglect may be recovered by an action in the name of the road trustees. Trustees to furnish tools. Liability of supervisor.

SEC. 17. That the road trustees of any township in the county are hereby authorized to provide and maintain suitable places for procuring water for persons and animals on the public roads in such township. Two or more townships may provide and maintain suitable places for procuring water for persons and animals on Watering places.

public roads dividing said townships or lying near the dividing line. The supervisor of any road district may contract with any landowner for maintaining a suitable place for procuring water for persons and animals on any public road in his township or district. Said contract shall first be approved by the board of road trustees of the said township.

Cartways.

SEC. 18. The road trustees of each township shall have jurisdiction over cartways, and may order the laying out or discontinuing of same. Any person over whose land the right or use of which any person or persons may have acquired the right to use may erect gates, with the consent of the road trustees, across the same; and if any person shall willfully leave open, break down or otherwise injure the same he shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty-five dollars for each offense.

Gates across cartways.

Injury to gates a misdemeanor.

Punishment.

Rule of the road.

SEC. 19. When any persons shall meet each other on any bridge, highway, public road or roads, traveling with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference. Every person willfully offending against the provisions of this section shall for each offense forfeit a sum not exceeding ten dollars, to be recovered on complaint before any justice of the peace in the township where the offense shall have been committed, and he shall further be liable for all damages sustained by reason of such offense: *Provided*, that every such complaint shall be made within six months after the offense shall have been committed, and that every such action for damages shall be commenced within twelve months after the cause of action shall have occurred.

Forfeit for violation.

Liability for damages.

Proviso: time for complaint and action.

Snaking logs a misdemeanor.

SEC. 20. Any person engaged in hauling or transporting saw logs or other timbers on any public road in said county who shall transport or cause to be transported by means of chains and grab hooks or other means to be made to slide on the roadbed by a method known among lumbermen as "snaking" logs shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Punishment.

Compensation of trustees.

Proviso: limit.

SEC. 21. That the road trustees of the various townships of the county shall be paid as compensation for their services required under the provisions of this act the sum of one dollar and fifty cents per day: *Provided*, said compensation shall not be paid any trustee for more than twelve days in any one year, and the same shall be paid on a warrant drawn on the county treasurer by the chairman of the board of road trustees and attested by the secretary of said board and by the said county treasurer charged to the road fund of the said township.

Pay of supervisors.

SEC. 22. That the road supervisors of the various townships of Robeson County shall be paid as compensation in full for their

services rendered under the provisions of this act such an amount as shall be allowed by the board of road trustees of their respective townships, not to exceed the sum of two dollars per day for each day actually engaged in road work. Said amounts shall be paid on warrants drawn on the county treasurer by the chairman of the township board of road trustees and countersigned by the secretary of said board, and by said county treasurer charged to the account of the road fund of the said township. All warrants drawn by the supervisors of townships for money to pay for work done in their respective townships, before the same is paid by the county treasurer, shall be countersigned by the secretary of the board of township road trustees.

Limit.

Warrants countersigned by secretary.

SEC. 23. It shall be the duty of each and every road supervisor of any township or district in Robeson County to make and keep an accurate account of all work done by him during each and every month, and of all amounts of money drawn from the county treasurer, and for what purpose the same was drawn and for what expended, and shall render a true and accurate account of the same to the secretary of the board of road trustees at the end of each and every month; and it shall be the duty of the secretary of the board of road trustees to transmit said report to the chairman of the Board of Audit and Finance of Robeson County, and by said chairman carefully audited, and if any errors appear in the same it shall be the duty of the chairman of the board of audit and finance to have the same corrected by said township supervisor or the secretary of the board of road trustees, as the case may be; and it shall be the duty of the county treasurer to keep the road funds of the various townships of the county separate and distinct from any other funds in his hands, so that the true condition of the same may at all times be ascertained by the chairman of the board of audit and finance.

Accounts kept by supervisor.

Monthly accounts.

Road funds kept separate.

SEC. 24. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offense not less than ten dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace in the county of Robeson; and it is hereby made the duty of the road trustees to prosecute all offenses against the provisions of this section.

Forfeit by supervisor for acts enumerated.

Trustees to prosecute.

SEC. 25. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any road not regularly laid out and established by law: *Provided*, it shall be the duty of the supervisors of the various townships of the county to employ the hands to work on the public roads of the county; and in order to pay said hands for their services said supervisors shall draw

Work on roads not established forbidden.

Proviso: employment and payment of hands.

a warrant on the county treasurer for the money, but before said warrant is paid by the treasurer it shall be approved by the chairman of the board of road trustees of the township and countersigned by the secretary of said board.

Certificates for material taken.

SEC. 26. That each and every supervisor who shall cut and take any timber, stone, clay, sand or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district shall, on demand of the owner of the land, their agent or agents, or the guardians of any ward or the executor or administrator having the land in charge from which timber, stone, clay or gravel or other material was taken as aforesaid, give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purposes for which the same were taken.

Presentation and payment of certificates.

SEC. 27. That any person or persons who shall have received a certificate as provided for in the foregoing section shall present the same to the board of road trustees of the proper township at any regular session of said trustees within twelve months after the taking or carrying away of such timber, stone, gravel or other material; and the trustees, being satisfied that the amount aforesaid is just and equitable, shall cause the same to be paid out of the funds to the credit of the township, and to this end shall draw a warrant on the county treasurer for such purpose, but if not so satisfied they shall determine what sum in their opinion would be just.

Forfeit on railroads for obstructing drainage or emptying water on roads.

SEC. 28. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its roadbed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad, being warned by the supervisor of the proper district by leaving a written notice with any station agent or informing any station agent of said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor, 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 trustees before

Additional offense.

any justice of the peace in the county; and every five days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this act. The money so collected shall be paid to the supervisor of the district in which the provisions of this act have been violated, and the money so paid over shall be used by the supervisor for the improvement of the roads and accounted for in his monthly settlement.

Forfeit to use of roads.

Construction and repair of roads across railroads.

SEC. 29. It shall be the duty of each supervisor to cause each railroad company to construct and keep in good repair the roadbed of all public roads across the said railroad; and if any railroad company, being duly warned by the supervisor of the

proper district by leaving a written notice with any station agent or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said roadbed to the acceptance of the supervisor, it shall forfeit any sum not exceeding fifty dollars, to be recovered by an action at the suit of the road trustees before any justice of the peace in the county, and the money so collected shall be paid to the supervisor of the township in which the provisions of this section were violated, and the money so paid over shall be used by the supervisor for the improvement of the roads in the township and accounted for at his monthly settlement; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said roadbed shall be deemed an additional offense against the provisions of this act.

Forfeit by railroad.

Forfeit to use of road.

Additional offense.

Sec. 30. That if any person or persons, corporation or any conductor of any train of railroad cars or any other agent or servant of any railroad company shall obstruct unnecessarily any public road or highway authorized under the provisions of this act by permitting any railroad car or cars or locomotive to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstruction to remain upon or across any public road or highway, to the hindrance or inconvenience of travelers or any person or persons passing along or upon such public road or highway, every person or corporation so offending shall forfeit and pay any sum not exceeding twenty-five dollars and shall be liable for all damages arising to any person from such obstruction or injury to such public road or highway, to be recovered by an action at the suit of the road trustees of the township in which such offense shall have been committed; and all fines so accruing under the provisions of this section, when collected, shall be paid over to the supervisor of the township in which such offense was committed, and by the supervisor applied to the improvement of the public roads of said township and accounted for at each monthly settlement of said supervisor.

Forfeit for obstructing road.

Liability for damages.

Fines to use of roads.

Sec. 31. It shall be the duty of the supervisors of the various townships of the county to work or have worked all the public roads or highways that lead to the different towns of the county or through the towns, but this section shall not apply to working the side streets of the towns.

Roads leading to or through towns.

Sec. 32. All railroad, turnpike and other incorporated companies shall keep up at their own expense all bridges on or over highways, public roads and roads not public or used as neighborhood roads, and all crossings that they have severally made in establishing their respective roads, and on failure to do so shall be guilty of a misdemeanor and fined at the discretion of the court, and shall forfeit and pay twenty-five dollars for each ten days he or they shall fail to perform the duties imposed by this section.

Bridges kept up by corporations.

Failure a misdemeanor.
Punishment and forfeit.

Surveys in re-
locating or widening
roads.

Obstructing sur-
vey a misde-
meanor.

Punishment.
Obstructing
supervisor a mis-
demeanor.

Punishment.

Solicitor to prose-
cute.

Proviso: proce-
dure for assess-
ment of damages.

Payment of
damages.

Procedure for
establishment of
road within one
township.

Proviso: proce-
dure for establish-
ing road through
two or more town-
ships.

SEC. 33. In relocating and widening roads now in use the board of road trustees shall cause the county surveyor or some other good surveyor or civil engineer to make a survey of the proposed change of an old road or a new road to be opened, and if they adopt said survey they shall give notice to the owner or owners of the land that they have adopted said survey or surveys, and that the same is hereby condemned for the use of the township or county for a public road or highway; and any person who shall obstruct the county surveyor or engineer in making a survey for the changing of a road or the opening of a new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and any person or persons who shall obstruct the township supervisor from opening said change of road or new road shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor of the Seventh Judicial District to prosecute all persons who violate the provisions of this section: *Provided*, that if any person be aggrieved he may, within six months after said change of road or new road has been opened and completed, apply to the clerk of the Superior Court, who shall appoint a jury, to consist of five freeholders of the township, to assess the damages. The said jury before entering upon their duties shall take an oath before a justice of the peace or other person competent to administer an oath to do exact justice to all parties concerned, and in determining said damage shall take into consideration the benefit made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict; and if damages be awarded the same shall be paid on a warrant of the trustees on the county treasurer out of the road fund belonging to said township.

SEC. 34. All petitions for the establishment of a new road, if wholly within one township, shall be addressed to the board of road trustees, and it shall be the duty of the secretary of said board to give notice of said petition at the voting precinct and three other public places in said township for at least four weeks immediately after the filing of said petition, and also to notify by mail or otherwise all landowners whose land is crossed by said new road, and the question as to whether the road shall be granted shall be decided at the next regular meeting of the said board: *Provided*, the question of establishing a new road through two or more townships shall be decided by order of the board of county commissioners, and a petition for the laying out and establishing a public road through two or more townships shall be addressed to the board of county commissioners, and when filed with said board notice shall be given by the clerk of the said board at the courthouse door and at three other public places in each town-

ship through which said proposed new road is to run, for at least thirty days, when the same shall be acted upon by the board of commissioners at their next regular meeting thereafter.

SEC. 35. Where a public road is the dividing line between two townships the same shall be constructed, repaired and kept up at the expense of the townships jointly, and where a bridge is to be erected, repaired or kept up on the dividing line between two townships the cost of the same shall be borne jointly by each township; and the cost of building, repairing and maintaining all bridges of the county, except the bridges across Lumber River, the Big Swamp and Shoeheel Creek, shall be built and kept up at the cost of the township fund where said bridge is located: *Provided*, the matter of building, repairing and keeping up the bridges on all public roads across Lumber River, the Big Swamp and Shoeheel Creek shall be and remain in the hands of the board of county commissioners and at the expense of the general county fund.

Roads and bridges on township lines.

Bridges.

Proviso: bridges across Lumber River, Big Swamp and Shoeheel Creek.

SEC. 36. All persons confined in the county jail under a final sentence of the court for crime, or imprisoned for the nonpayment of costs or fines, or under final judgment in case of bastardy, or the act providing for the punishment of vagrants, and all insolvents who shall be imprisoned for the nonpayment of costs, and all persons who would otherwise be sent to the State's Prison for a term of not more than five years shall be worked upon the public roads of the county: and all such convicts shall be fed, clothed and otherwise cared for at the expense of the county and under the supervision of the board of county commissioners: *Provided*, the said board of commissioners shall have the right, when they think for any cause the best interest of the county will be served thereby, to hire out said prisoners, either to the board of road trustees or any of the several townships or to any person, firm or corporation.

Prisoners to be worked on roads.

Care of prisoners.

Proviso: power to hire out convicts.

SEC. 37. The said board of commissioners are hereby authorized and empowered to use the common jail for the safe-keeping of said convicts or to build and keep a convict camp or camps for said purpose, or both, and to provide for the keeping and maintaining said convicts. The board of commissioners shall employ such guards and attendants as may be necessary to properly guard and care for such convicts, and the said board of commissioners shall fix the rate of compensation to be paid to such persons, and they shall be paid from the general county fund.

Safe-keeping of convicts.

Guards and attendants.

SEC. 38. That the board of road trustees of the several townships, when in their opinion it is best to do so, may let the working of any road or part of road, the building of any bridge or filling any swamp to some responsible person, under contract: *Provided*, said contract shall be in writing, and the person to whom the contract is let shall give good and sufficient bond to faithfully

Roads may be let to contract.

Proviso: contract in writing and under bond.

Proviso: inspection of work before payment.

comply with the terms of the same: and *Provided further*, that before any part of the contract price is paid for said work the same shall be inspected and passed on by some member of the said board of road trustees.

Special tax to be levied.

SEC. 39. That in order to carry into effect the provisions of this act the board of commissioners shall, on or after the first Monday in June, one thousand nine hundred and nine, and annually thereafter, levy a special tax upon all property in said county subject to taxation and upon all taxable polls in said county, which taxes shall be collected in the same manner as other taxes are collected for State and county purposes, and shall be kept separate and apart on the tax books of the county, and shall be known as "road-fund taxes," and shall be used only for the construction, improvement, maintenance and repair of the public roads and highways of said county, and for the purchase of material, implements, teams, wagons, and for the employment of labor to work on the said roads, and for the payment of salaries and expenses as provided in this act: *Provided*, that the taxes levied under the provisions of this act shall not exceed the sum of twenty-five cents on the one hundred dollars valuation of all property in said county subject to taxation and not exceeding seventy-five cents on each taxable poll.

Road-fund taxes.
Specific appropriation.

Proviso: tax limit.

Assessment of property of corporations.

SEC. 40. That for the purpose of taxation for road purposes, as provided in this act, the property of railroads, telegraph, telephone and express companies and all other corporations shall be valued and assessed as is now or may hereafter be provided by law for the assessment of such property for general county purposes.

Collection of tax.

SEC. 41. Taxes levied for road purposes under the provisions of this act shall be collected by the sheriff in the same manner as is now or may hereafter be provided by law for the collection of other county taxes, and it shall be the duty of the sheriff to turn over all moneys collected by him on account of any road taxes to the county treasurer, and it shall be the duty of the county treasurer to open a road-fund account with each township within the county and to credit each township with all moneys received by him for road funds collected from said township and with all moneys which may be paid to him under the provisions of this act for the use of said township, and he shall charge each township with all sums of money paid out on account of work done in said township upon the public roads and bridges.

Money turned over to treasurer.

Road-fund accounts.

Sheriff's commissions.

SEC. 42. For his services in collecting and paying over to the treasurer all sums of money levied for road purposes and for performing all duties enjoined on 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 with the county treasurer, and he shall be entitled to receive no compensation upon

payments to the county treasurer. The Treasurer of Robeson County shall be allowed the sum of two per centum upon all moneys disbursed by him on account of road funds, such sum to be received by him in full for all services enjoined upon him by virtue of the provisions of this act. The said treasurer and the said sheriff shall both give bond, with good and sufficient sureties, in such sum as may be designated by the board of county commissioners, not to exceed one-half of the amount of road taxes collected for the previous year, conditioned upon the faithful discharge of their duties and for the honest and faithful accounting for all sums which may come into their hands by virtue of the provisions of this act, and the said bonds shall be renewed annually and shall be filed with the Register of Deeds of Robeson County and recorded in a book of official bonds of the county of Robeson.

Treasurer's commissions.

Bonds of treasurer and sheriff.

SEC. 43. The board of road trustees of the several townships, together with the board of commissioners, shall have complete control of the road fund of their respective townships and the disposition and disbursement thereof; and all fines, penalties and forfeitures that may be collected under the provisions of this act shall forthwith be paid to the county treasurer, who shall place the amount thereof to the credit of the township to which the fund belongs: *Provided*, that the board of road trustees of the several townships shall designate what bank or banks within the county of Robeson shall be used as depositories for the road fund of their respective townships, 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 designated by the board of road trustees, in the bank as designated by the said board.

Control of road funds.

Proviso: banks designated as depositories.

SEC. 44. All moneys now in the hands of the Sheriff of Robeson County or the Treasurer of Robeson County, or in the hands of any other person, belonging to the road fund of Robeson County, collected for the year one thousand nine hundred and eight or prior thereto, or otherwise, shall be immediately turned over by the person in whose hands the same may be to the Treasurer of Robeson County, and such moneys shall be credited by him to the townships from which such moneys were originally collected, and all such moneys shall be available for working and repairing the public roads and bridges as though the same had been collected under the provisions of this act; and it shall be the duty of the board of road supervisors or township or district supervisors heretofore appointed under authority of any law, and all other persons who may have any property of the county of Robeson belonging to the public road force, to turn over the same to the different boards of township trustees entitled to the same, and such property shall be held by them for the use and benefit of the public roads of their respective townships.

Money now in hand to be paid in to treasurer.

Property to be turned over.

Officers not to be interested in contracts.

SEC. 45. It shall be unlawful for any member of the board of township trustees, any superintendent or supervisor of roads, any township or district supervisor or any other person who shall hold any official or fiduciary relation in connection with the duties imposed by this act to be interested, either directly or indirectly, in any contract or undertaking in which the county of Robeson or any township is interested, as provided in this act; and anyone violating the provisions of this section shall forfeit and pay the sum of fifty dollars for each offense, to be recovered by any person who shall sue for the same, and shall moreover be guilty of a misdemeanor and punished by fine or imprisonment in the discretion of the court, and any person so offending shall forfeit his office.

Forfeit.

Misdemeanor.

Punishment.

Forfeiture of office.

Power to borrow money.

SEC. 46. That the board of road trustees for the several townships of Robeson County provided for under the provisions of this act shall have the power to borrow money and pledge the faith of the road fund of their township to pay the same, provided it shall be necessary to do so in order to carry on the road work of said township; and if money is borrowed the same shall be turned over to the Treasurer of Robeson County and by him placed to the credit of the road fund of the said township for which the same was borrowed, and shall be used for the benefit of the roads of the township, as provided for under the provisions of this act:

Proviso: payment of outstanding claims.

Provided further, that the road trustees of the several townships shall have the power and it shall be their duty to pay any valid claim now outstanding against the road fund of their respective townships; and if there are notes now outstanding and which have not been paid, the proceeds of which were used by the Board of Road Supervisors of Robeson County under any former provisions of law, the same shall be paid out of any moneys now in the treasury to the credit of the township for which said money was borrowed; and if there are not sufficient funds now on hand to pay the same, then the said notes shall be paid out of the first moneys that may come into the hands of the treasurer for the benefit of the said township: *Provided*, that if there are valid claims against the Board of Road Supervisors of Robeson County, which claims should be paid out of the general road fund of the county, when said claims are clearly established it shall be the duty of the Treasurer of Robeson County to pay the same and charge said amount to the various townships of the county pro rata.

Proviso: claims on general road fund.

Law repealed.

SEC. 47. That chapter eight hundred and thirty-six of the Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby repealed: *Provided*, the repealing of said chapter shall not have the force or effect of rendering invalid any debt contracted and still unpaid, which debt was contracted by the board of road supervisors under the provisions of said chapter.

Proviso: repeal not to invalidate debt.

SEC. 48. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 49. That this act shall be in full force and effect from and after April first, one thousand nine hundred and nine. When act effective.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 423.

AN ACT TO PROVIDE FOR WORKING THE ROADS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all roads and ferries in Polk County that have been laid out or established by virtue of any act of Assembly or any order of court and that are now known and recognized as public roads and ferries are hereby declared to be public roads and ferries. Public roads and ferries. The right of way of all public roads in said county shall be forty feet in width, but not more than twenty feet of said right of way shall be used for roadbed purposes unless, in the opinion of the township trustees, it is necessary for the public good. Right of way.

SEC. 2. That the justices of the peace of the several townships of said county shall meet in some place in their respective townships to be agreed upon by themselves, on the last Saturday in April of each year, and shall elect for the term of two years a board of road trustees, which shall be composed of three citizens resident in said township. They are hereby incorporated, and the board of road trustees of such township shall be their corporate name. Election of road trustees.
Trustees incorporated.

SEC. 3. The road trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman, on the first Saturday in May, August, November and February and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings and shall annually at their May meeting elect one of their number chairman, and shall also elect one of their number secretary-treasurer, and require a bond of such secretary-treasurer, payable to the State of North Carolina, in trust for said township, with security to be by them approved, conditioned for the faithful discharge of the duties of said office. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State, and recommend to the county commissioners the taxes for road purposes to be levied in said township, as hereinafter provided. Meetings for trustees.
Record of proceedings.
Organization.
Bond of secretary-treasurer.
Corporate rights.
Recommendation of taxes. The board of road trustees shall be exempt from labor on the public roads in their township, and shall receive for their services Trustees exempt from road work

Pay of trustees.	one dollar and fifty cents per day for four days in the year, to
Examinations and report on condition of roads.	be paid out of the township road funds. It shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least four times each year, and to make a report in duplicate at least twice a year on the condition of said public roads and present a copy of said report to the county commissioners at their June and December meetings, and shall transmit a copy of said report to the solicitor with such instructions as they may deem proper. Any vacancy occurring in said board of road trustees shall be filled by the remaining members of the board.
Vacancies.	
Supervision and control of roads.	SEC. 4. The board of road trustees of the several townships of said county shall have supervision and control of the public roads in their respective townships, and shall have the right to lay out, alter or discontinue said roads whenever it is necessary or expedient to do so for the public good. In relocating and widening roads now in use or in opening new roads, the road trustees of the proper township shall cause a surveyor or civil engineer to make a survey of the proposed change of an old road or the new road to be opened, and if they adopt said survey they shall give notice to the owner or owners of the land that they have adopted said survey or surveys and that the same is hereby condemned for the use of the township for a public road. And any person who shall obstruct the surveyor or civil engineer in making a survey for the changing of a road or the opening of a new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, and any person or persons who shall obstruct the township supervisor from opening said change of road or new road shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court: <i>Provided</i> , that if any person be aggrieved he may within three months after said change of road or new road has been opened and completed (provided that he and said road trustees cannot agree upon the damages said party has sustained) apply to the Clerk of the Superior Court of Polk County, who shall appoint a jury of three freeholders of said township to assess the damages, none of whom shall be related by blood or marriage to the applicant. The said clerk shall issue a summons to the sheriff of said county commanding him to summon said jury to meet upon the premises at a time specified in said summons, to assess said damages, and the clerk shall also issue a notice to the board of road trustees of said township of the time and place of said meeting. 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 the one from the other and the result shall be their verdict: <i>Provided</i> , that said jury shall not find benefits in excess of damages. The said jury shall report their findings to the clerk of said court
Power to lay out, alter or discontinue roads.	
Surveys.	
Obstructing survey a misdemeanor.	
Punishment.	
Obstructing opening of road a misdemeanor.	
Punishment.	
Proviso: procedure for assessment of damages.	
Proviso: benefits not to exceed damage.	

within five days from the date of their meeting, which report shall be placed by him upon the judgment docket of the county and shall have the force and effect of a judgment: *Provided*, that if the parties, or either of them, desires to appeal from the findings of said jury, they shall cause the clerk of said court to issue a notice to the opposite party of their intention to do so within ten days from the filing of the report of said jury, and the said clerk shall place the cause upon the civil-issue docket of the county and the same shall stand for trial *de novo* at the next term of said court which convenes more than twenty days from the issuance of said notice of appeal: *Provided*, that the party appealing shall give bond in the sum of one hundred dollars, with sufficient surety, to be approved by the clerk of said Superior Court, to secure the costs of said appeal. The jury summoned as above provided to assess said damages shall be entitled to one dollar each for their services, and the costs of said proceeding shall be paid by the losing party; and if against the road trustees the costs and damages so awarded shall be paid out of the township road fund: *Provided*, that if the party bringing said proceeding shall not recover damages for a greater sum than the amount offered by the road trustees prior to the commencement of said proceeding, judgment shall be rendered against him for the costs thereof.

Proviso: appeals.

Proviso: bond on appeal.

Pay of jurors.

Costs.

Proviso: costs where award does not exceed damages offered.

SEC. 5. That the road trustees of the several townships of said county shall on the first Saturday in May next divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plat of his road district. The road trustees of each township at their May meeting and annually thereafter shall elect one supervisor for each road district. Supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees may require a bond of such supervisors, payable to the State of North Carolina in trust for said township, in such sum as they may determine, with security, to be by them approved, conditioned for the faithful discharge of the duties of said office. When any vacancy shall occur in the office of supervisor, the road trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy, and the person so appointed shall, before entering upon the duties of his office, take the same oath and be under the same restrictions and penalties as was his predecessor.

Road districts.

Election of supervisors.

Oaths and bonds of supervisors.

Vacancies.

SEC. 6. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district, the same to keep in repair, and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purpose the supervisors are hereby authorized

Duties of supervisors.

Entry on land for materials.

to enter upon any lands not encumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to make, improve or repair

- Drains or ditches. said roads, and to enter on any lands adjoining or lying near the roads to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and the public good will permit; and the drains or ditches so made shall be conducted to the nearest water course, ditch or drain, and shall be kept open by the supervisors; and if the owner or occupier of said land or any other person shall obstruct or divert the ditches and drains so constructed he shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and if the supervisor shall willfully injure any cultivated or improved land by failure to conduct said drains and ditches to the nearest water way, ditch or drain, and keep said drains and ditches in repair, he shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Obstructing drains a misdemeanor.
- Punishment.
- Injuring lands a misdemeanor.
- Punishment.

- Persons subject to road duty. SEC. 7. That all able-bodied male persons between the ages of twenty-one and forty-five years, except those permanently disabled or exempted, of this State, shall be liable annually to do and perform four days' labor on the public roads under the direction of the supervisor of the road district in which he shall reside: *Provided*, that if any person being warned, as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the supervisor receiving the same to the improvement of the roads of the district and accounted for by the supervisor as hereinafter provided. That for the purpose of this section, 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 the road district in his township: *Provided*, that the road trustees of any township may abolish a part or all of the four days' labor required by this section.
- Proviso: commutation.
- Residence defined.
- Proviso: trustees may abolish road duty.

- Supervisor to warn out hands. SEC. 8. That it shall be the duty of every supervisor to order out every person liable for road duty, resident as aforesaid, between the first day of May and the first day of December, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend by himself or an able-bodied substitute accept-
- Failure to discharge road duty a misdemeanor.

able to the supervisor, or having attended, shall refuse to obey the directions of the supervisor, or shall spend his time in idleness or inattention to the duties assigned him, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or shall be imprisoned not less than five nor more than thirty days: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided. Punishment.
Proviso: neglect of supervisor not to excuse hands.

SEC. 9. That in case any person shall move from any district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, every such person who shall produce a certificate from the supervisor of the district from whence he removed shall be completely discharged from the amounts specified in such certificate. Removal.

SEC. 10. That any person called upon to perform any of the labor upon the public roads under any provision of this act shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the supervisor may direct, and shall work until six o'clock in the afternoon, with the exception of one hour for dinner. The supervisor may, if necessary for the improvement of the roads, order any person subject to road duty owning the same to furnish a team of horses, mules or oxen, wagon, cart, plow or scraper to be employed or used on the roads under the direction of the supervisor. Days work.
Teams and implements.

SEC. 11. That it is hereby made the duty of the several supervisors within their respective districts to prosecute all offenses against the provisions of this act that are not otherwise herein provided for. Supervisors to prosecute.

SEC. 12. That the several supervisors shall expend all moneys by them collected for the benefit of the roads in their respective districts, and every supervisor is hereby required to account to the road trustees of the township, at their quarterly meetings on the first Saturday in May, August, November and February, 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 required by this act, and the number of days performed by each, and also the names of those who have refused or neglected to perform the same, and the names of all persons prosecuted by them for the violation of the provisions of this act, and the offense or offenses for which such persons were prosecuted. They shall also make a written report to said road trustees at the meetings aforesaid of the condition of all the public roads in their Supervisors to expend money.
Accounts.
Reports of condition of roads.

Notice for filing reports and accounts.

Failure to file a misdemeanor.

False reports or accounts perjury.

Punishment.

Road money to be paid over.

Footbridges.

Post and guideboards.

Penalty for injury to.

Tools and implements.

respective districts, and if any of said roads are in bad condition, the reason why the same have not been placed in repair. They shall also render an account to said road trustees at said meetings of all the moneys that remain in their hands, and the reports and statements required by this section shall be verified by said supervisors and filed with the board of road trustees and spread upon their minutes by the secretary-treasurer. If any supervisor shall fail to make the reports or render the statements and accounts required by this section at the meetings aforesaid, the said board of road trustees shall cause a notice to issue to said supervisor requiring him to file the same with its secretary-treasurer within ten days after receiving said notice, and if he shall fail or refuse to file the same within said time he shall be guilty of a misdemeanor; and any supervisor who shall willfully file a false report or render a false account or statement under this section shall be guilty of perjury, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 13. That all road moneys that remain in the hands of any supervisor at the time of his final settlement with the road trustees at the expiration of his term of office shall be paid over by said supervisor to the secretary-treasurer of the board of road trustees, and the said secretary-treasurer shall pay the same over to the succeeding supervisor as soon as such successor shall be elected and qualified.

SEC. 14. That the supervisors of the public roads be and they are hereby authorized and directed to construct footbridges across streams on all public roads within their respective districts, where no bridges have been constructed and where the streams are more than four feet in width.

SEC. 15. That each supervisor within his district shall erect and keep up at the expense of the township, at the forks or crossing of public roads, a post and guideboard or finger-board containing an inscription in legible letters directing the way and distance to the town or towns or other public place or places situated on each road, respectively. The post and guideboard or finger-board aforesaid shall be furnished to the supervisor by the board of road trustees of his township. If any person shall willfully demolish, throw down, alter or deface any such post or guideboard, every person so offending shall, upon conviction before a justice of the peace, be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten days nor more than thirty days.

SEC. 16. That the road trustees of the several townships within said county be and they are hereby authorized to furnish plows, scrapers and other tools for the use of the several road districts within their township, to be paid for out of any moneys in the township treasury for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for

such implements as they may deliver to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession, and he shall on the first Saturday in May, annually, return the same to said road trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by an action in the name of the road trustees against such supervisor, or may be deducted by said road trustees from the amount which they may owe him for services as supervisor.

Liability of supervisors.

Recovery.

SEC. 17. The road trustees of each township shall have jurisdiction over cartways, and may order the laying out or discontinuing of same; but all such cartways shall be laid out and established according to the provisions of section two thousand six hundred and eighty-six of the Revisal of one thousand nine hundred and five, and shall be discontinued according to the provisions of section two thousand six hundred and ninety-four of said Revisal.

Cartways.

SEC. 18. Whenever any persons shall meet each other on any bridge or public road, traveling with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference. Every person offending against the provisions of this section, willfully and intentionally, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days.

Rule of the road.

Violation a misdemeanor.

Punishment.

SEC. 19. Any person engaged in hauling or transporting saw logs or other timbers on any of the public roads of said county who shall transport or cause to be transported by means of chains, grab hooks or other means to be made to slide on the roadbed by a method known among lumbermen as "snaking" logs, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Snaking logs a misdemeanor.

Punishment.

SEC. 20. That each and every supervisor who shall cut and take away timber, stone, clay, marl, sand or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward or the executor or administrator having the land in charge, from which timber, stone, gravel or other material was taken aforesaid, shall give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purposes for which the same was

Certificates for material.

- Presentation and payment of certificates. taken. Any person or persons who shall have received a certificate as herein provided shall present the same to the board of road trustees of the proper township at any regular session of said trustees within six months after the taking or carrying away of such timber, stone, gravel or other material, and if the said trustees are satisfied that the amount specified in said certificate is just and equitable, they shall cause the same to be paid out of the township treasury; but if not so satisfied, they shall determine what sum, in their opinion, would be just, and pay or tender same to claimant.
- Emergency work. SEC. 21. That at any time during the year when any public roads shall be obstructed by dangerous washouts or in any other manner, it shall be the duty of the supervisor of the district in which the same may be, forthwith to cause such obstruction to be moved, for which purpose he shall immediately order out such number of persons liable to road labor upon the public roads of his district as he may deem necessary to remove said obstruction.
- Payment for emergency work. If the person or persons thus called out shall have performed their days of labor upon the public roads, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and upon presentation of the same to the secretary-treasurer of the board of road trustees of the township the said secretary-treasurer shall pay said person at the rate of one dollar per day for the number of days or parts of days specified in said certificate.
- Roads on township lines. SEC. 22. That in case any public road is or shall be established as a part of the line or boundary between any townships in said county, the road trustees of such adjoining townships shall meet at some convenient place as soon after the first Saturday in May as is convenient and apportion said road between the townships as justice and equity may require.
- Bridges, ferries and fords. SEC. 23. The county commissioners shall have supervision and control of the bridges, ferries and fords in said county except as otherwise provided in the next succeeding section. They shall have full power to contract for the building and repairing of bridges, shall determine the kind of material to be used, and shall provide for the building of bridges and the keeping in repair of those already built by a uniform tax upon the county as herein-after authorized.
- Bridges kept up by townships. SEC. 24. The road trustees of the various townships of said county shall build and keep in repair all bridges on the public roads in their respective townships, wherever the same are necessary, when the span of said bridge shall not exceed eight feet in length, and the county commissioners of said county shall build and keep in repair all bridges in excess of said length.
- Bridges kept up by county. SEC. 25. The county commissioners shall have erected at each end of all bridges under their supervision and control signboards
- Speed over bridges.

with the words "go slow" in large, legible letters, and any person who shall willfully ride any animal, or who shall drive any vehicle faster than a walk over such bridges, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days.

SEC. 26. That for the better enforcement of the preceding section the board of county commissioners shall have the right to offer a reward in a sum not exceeding ten dollars, for the arrest and conviction of any person who shall violate the provisions of said section, which reward shall be paid out of the bridge funds of the county: *Provided*, that if the person convicted before a justice of the peace of said offense shall appeal to the Superior Court of said county, said reward shall not be paid until after the person so convicted shall have been convicted in the Superior Court.

SEC. 27. That if any person or corporation, for the purpose of draining land or for any other purpose whatever, shall construct any ditch, drain or canal across any public road in said county, it shall be the duty of such person or corporation to build a bridge across said drain, ditch or canal and keep the same, together with the approaches thereto, in good repair. And any person or persons or corporations who shall fail to perform the duties imposed upon him or them by this section, having been warned by the supervisor of the road district by leaving a written notice at his residence, or the residence of his agent, or having been notified verbally and failed to perform said duties acceptable to the supervisor within five days after receiving said notice, 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 days nor more than thirty days; and each three days such failure is continued shall be an additional offense against this section.

SEC. 28. That if the board of county commissioners or the township road trustees, as the case may be, shall fail to build or keep in repair the bridges provided for in this act in accordance with the provisions of section twenty-four, defining their duties, they shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court; and it is hereby made the duty of the solicitor of the judicial district in which said county is situated to prosecute all such offenses.

SEC. 29. That all railroad companies and other corporations shall build and keep up at their own expense all bridges and crossings over public roads which they have made it necessary to be built or made in establishing their respective roads, and their failure to do so shall be guilty of a misdemeanor and fined in the discretion of the court, and shall forfeit and pay twenty-five dollars for each ten days they shall fail to perform the duties imposed by this section.

Rewards.

Proviso: appeals.

Drains across roads.

Notice of failure.

Failure a misdemeanor.

Punishment.

Additional offense.

Failure to keep up bridges a misdemeanor.

Punishment.

Solicitor to prosecute.

Corporations to keep up bridges.

Failure a misdemeanor.

Punishment.

Forfeit.

Guideposts at
fords.

SEC. 30. That the county commissioners shall have erected guideposts in the edge of the water at each entrance of dangerous fords on the public roads of said county. The depth of the water in the ford at low water shall be marked at the water line on the post, and beginning with that figure each post shall be numbered to the top of the post, and the expense of erecting said guideposts shall be paid out of the bridge funds of the county.

Injuring bridges a
misdemeanor.

SEC. 31. That if any person or persons shall willfully or negligently injure, demolish or tear down any of the public bridges of said county by running any boat or raft against the same or by cutting trees or timber in the rivers or creeks above such bridges, or by any other means or in any other manner whatever, such person or persons shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court; and such person or persons shall further be liable in damages in an action to be instituted in the name of the State on relation of the board of county commissioners, and any and all damages recovered in such action or actions shall belong to the bridge funds of the county.

Punishment.

Damages to use of
bridge funds.

Injuring sign-
boards or guide-
posts a misde-
meanor.

SEC. 32. That if any person or persons shall willfully or negligently injure, demolish or tear down any of the signboards provided for in section twenty-five of this act, or any of the guideposts provided for in section thirty, every such person or persons shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten nor more than thirty days.

Punishment.

Levy of road tax.

SEC. 33. That the county commissioners of said county are hereby authorized and directed to levy, at the June session of their board, annually, for public-road purposes, 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, and the clerk of the county commissioners shall place the same on the tax list of the current year, to be included in and collected in the annual taxes. The tax thus levied and collected shall be paid over by the sheriff of said county to the secretary-treasurer of the board of road trustees of the respective townships, according to the pro rata of said tax paid by each township, respectively. That if the road trustees of any township shall deem an additional tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships, not exceeding twenty cents on the one hundred dollars' worth of property and sixty cents on the poll, and shall certify the same to the chairman of the board of county commissioners in writing on or before the first Monday in July in each year; and the board of county commissioners, at their July meeting, shall levy the same on the taxable property of such township or townships, and the same shall be placed upon the tax list by the clerk of the board of county commissioners, collected

Tax paid over to
township trustees.

Certificate for
additional tax.

Levy and collec-
tion.

by the sheriff as other taxes, and paid over by him to the secretary-treasurer of the board of road trustees of the township for which such taxes were levied and collected: *Provided*, that in no case shall the total of taxes levied for road purposes exceed thirty cents on the one hundred dollars valuation of property in any township for any one year. The secretary-treasurer of the board of road trustees of any township to whom moneys are paid by the sheriff under this section shall execute to the sheriff a receipt in duplicate for such moneys, one of which shall be filed by the sheriff with the board of county commissioners when making his settlement for the taxes collected under this section.

Proviso: limit of tax.

SEC. 34. That the secretary-treasurer of the board of road trustees of each township shall report to the board all moneys received by him from the sheriff under the preceding section, and the said road trustees, in determining the division of this fund among the several districts of the township, shall be governed, not by the miles of road in said district, but by the necessities of roads, the conveniences of getting material and the quantity of material necessary to make substantial repairs, and thus make a just and equitable division of the said fund among the several districts: *Provided*, that in making said apportionment the said road trustees shall hold in reserve a sum sufficient to pay the salaries, fees and commissions provided for in this act.

Reports of secretary-treasurer.

Division of fund.

Proviso: reservation for salaries.

SEC. 35. That the road funds, as apportioned under the preceding section, shall from time to time be paid over by the secretary-treasurer to the supervisors of the various road districts, who shall expend the same upon the public roads in their district in the way and manner provided for in this act; and the said supervisors, upon receiving money from the secretary-treasurer, shall execute to him a receipt therefor in triplicate, to be marked "original," "duplicate" and "triplicate," respectively; the original to be retained by the said secretary-treasurer, the duplicate to be filed in his settlements with the road trustees, and the triplicate to be filed with the board of county commissioners in the settlements to be made with said board as hereinafter provided. That any moneys paid out by said secretary-treasurer except those paid to the supervisors under this section and those paid out upon the certificate of the supervisors as provided for in section twenty-one of this act, shall be paid out only upon the order of the board of road trustees upon presentation by claimant of an itemized statement of his claim, which must be verified by him or his agent before the chairman of said board. All moneys paid out upon claims allowed by the board shall be receipted for in the same manner as moneys paid to the supervisors, and the receipts filed as provided for the receipts of supervisors.

Funds paid over to supervisors.

Receipts.

Road orders.

SEC. 36. That the secretary-treasurer of the board of road trustees of each township shall make a settlement with said board

Settlements.

Notice for settlement.	at their May and November meetings, showing his receipts and disbursements in full for the six months prior thereto, which settlement shall be approved by and recorded upon the minutes of the board; and if such secretary-treasurer shall fail to make said settlement at the time herein provided, the said board, through its chairman, shall cause a notice to issue to such secretary-treasurer to appear before said board at a time and place therein mentioned, which shall be not more than fifteen days from the date of said notice, and make said settlement; and if said secretary-treasurer shall fail to appear and make said settlement as directed by said notice, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.
Failure to make settlement a misdemeanor.	
Punishment.	
Settlements with county commissioners.	SEC. 37. That in addition to the settlement required by the preceding section, the secretary-treasurer of the board of road trustees of each township shall also make a settlement with the board of county commissioners of said county at their May and November meetings, showing his receipts and disbursements in detail for the six months prior thereto, and shall produce and file receipts for all disbursements, which settlement shall be approved by and placed upon the minutes of the board; and if any secretary-treasurer shall fail to make said settlement at the time herein provided, the said board, through its clerk, shall cause a notice to issue to such secretary-treasurer to appear before said board at their next monthly meeting and make said settlement, and if said secretary-treasurer shall fail to appear and make said settlement as directed by said notice, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court; and it is hereby made the duty of the chairman of the board of county commissioners to report the names of all such delinquents to the solicitor of the judicial district in which said county is situated.
Notice for settlement.	
Failure to make settlement a misdemeanor.	
Punishment.	
Reports to solicitor.	
Levy of bridge tax.	SEC. 38. That the board of county commissioners of said county are hereby authorized and directed to levy, annually, at their June session, for bridge purposes, a tax not exceeding twenty-five cents on the one hundred dollars valuation of property, and seventy-five cents on the poll, and the same shall be placed by the clerk of said board upon the tax list for the current year, to be included in and collected in the annual taxes. The taxes thus levied and collected shall be expended under the direction of the board of county commissioners in building and repairing bridges and in improving fords.
Expenditure.	
Bonds of secretary-treasurer of townships.	SEC. 39. That the bond of the secretary-treasurer of the board of road trustees of the respective townships, as provided for in section three of this act, shall be in an amount to be fixed by the board, which in no case shall be less than four hundred dollars, and the said bonds, when given, shall be deposited by the chair-

man of said board with the register of deeds of said county, who shall record the same in the bond book of the county, and shall receive such fees therefor, to be paid out of the township road funds, as are now allowed by law for recording other official bonds. That whenever a majority of the members of the board of road trustees shall have knowledge or a reasonable belief of any breach of said bond, an action shall be prosecuted thereon in the name of the State on relation of the chairman of said board: *Provided*, that if the board of county commissioners of said county shall have knowledge or a reasonable belief of any breach of said bond, they shall notify the board of road trustees of such township, stating the grounds of such knowledge or belief, and if the chairman of said board shall refuse or neglect to institute an action, as in this section provided, within sixty days from the receipt of such notice, the same shall be prosecuted on relation of the board of county commissioners.

Actions on bond.

Proviso: action by county commissioners.

SEC. 40. That the secretary-treasurer of the board of road trustees of each township, in addition to the fees herein provided for as a member of the board, shall receive three per cent commission on all moneys paid over to him by the sheriff of said county under section thirty-three of this act, and shall also be allowed one dollar for each settlement made with the board of county commissioners under section thirty-seven of this act.

Pay of secretary-treasurer.

SEC. 41. That the members of the board of road trustees of the various townships, in addition to the fees hereinbefore provided for, shall each receive two dollars per year for making the reports provided for in section three of this act.

Pay of road trustees.

SEC. 42. That the justices of the peace of the respective townships shall receive one dollar each for meeting and electing the road trustees, as provided for in section two of this act, and shall also be exempt from the four days' labor provided for in section seven of this act.

Pay of justices.

SEC. 43. That each supervisor shall receive for his services not exceeding one dollar and fifty cents per day, to be determined by the board of road trustees of the township, for the time actually employed on the roads, deducting the commutation of the four days of labor required in such township: *Provided*, that if any supervisor shall work less than five hands per day, he shall not receive more than one dollar for such day and shall work himself; and it is hereby made the duty of each supervisor to include in the report provided for in section twelve of this act the number of days that he has been actually employed on the roads of his district, and shall specify the number of days that he has worked less than five hands. Each supervisor shall also receive four dollars per year for making the reports provided for in section twelve of this act.

Pay of supervisors.

Proviso: less than five hands.

SEC. 44. That the supervisors of the various road districts are authorized and empowered to employ able-bodied male persons

Employment of hands and team

to work on the public roads of their districts at the usual and customary wages, and to contract for all necessary teams, tools and materials at the usual and customary prices, and may furnish any teams, tools and materials of his own at such prices.

Pay of civil engineer.

SEC. 45. That no civil engineer employed by the road trustees under this act shall receive more than three dollars per day.

Officers.

SEC. 46. That no justice of the peace shall be elected to the office of road trustee or supervisor, and no road trustee shall act in the capacity of supervisor.

Funds and property on hand to be turned over.

SEC. 47. That all funds, books and papers remaining in the hands of the road trustees of the various townships under the present road law, at the time this act becomes effective, shall be turned over by said trustees to the trustees first elected under this act immediately after their qualification.

Neglect of duty a misdemeanor.

SEC. 48. That each and every person who shall neglect or refuse to perform the several duties imposed by this act, where the punishment is not otherwise provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor of the judicial district in which said county is situated to prosecute all offenses against the provisions of this act.

Punishment.

Solicitor to prosecute.

Application of act.

SEC. 49. That this act shall apply only to the county of Polk, and shall not apply to the township of Cooper's Gap, in said county, except so much thereof as relates to bridges and fords, and the taxes provided for bridge purposes.

SEC. 50. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 51. That this act shall be in force from and after the twenty-fourth day of April, one thousand nine hundred and nine.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 424.

AN ACT FOR THE WORKING OF THE PUBLIC ROADS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Public roads and ferries.

SECTION 1. That 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 respective townships, and shall have full power and authority, within their respective townships, to order the laying out of public roads where necessary

Power and authority of supervisors.

Order for laying out or discontinuance of roads.

and 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 costs 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.

SEC. 2. That the board of county commissioners shall provide a suitable room in each township in said county for the board to hold its meetings. The meetings in Manney's Neck Township shall be held in Como; in Murfreesboro Township, in Murfreesboro; in St. John's Township, in St. John; in Ahoskie Township, in Ahoskie; in Winton Township, in Winton, and in Harrellsville Township, in Harrellsville.

SEC. 3. That the Board of Road Supervisors of Hertford County shall consist of three persons in each township in said county, to be appointed by the board of commissioners of said county on the first Monday in March, one thousand nine hundred and eleven, and biennially thereafter, who shall hold their office for the term of two years from the date of their appointment and until their successors are appointed and sworn in office, who shall be known as the board of road supervisors for the township for which they are appointed, and said board of road supervisors shall fill all vacancies occurring in said board; and that until appointments are made by said board of commissioners under this act, the following persons shall constitute the boards of road supervisors in the several townships, as follows: Manney's Neck Township, J. B. Worrell, W. T. Taylor, J. D. Riddick; Murfreesboro Township, Edgar Britt, J. J. Parker, Joe K. Parker; St. John's Township, Douglas Parker, W. J. Vaughan, T. J. Teaster; Ahoskie Township, W. J. Sumner, Paul Britt, J. W. Powell; Winton Township, J. P. Helman, B. G. Williams, E. O. Hines; Harrellsville Township, C. M. Cullens, W. E. Jordan, Edmond Jones. That whenever any duty is imposed on the board of supervisors of roads by the general law of the State or by this act, such duties shall be performed by the boards hereby created.

Annual meetings
for organization
and apportion-
ment.

Organization.

Apportionment of
roads.

Annual meeting
for reception of
reports and other
business.

Inspection of and
report on roads.

Notice for repair
of private bridges.

SEC. 4. That said board of road supervisors shall meet on Saturday before the second Monday in March, one thousand nine hundred and nine, and annually thereafter, in their respective townships, and after being duly sworn shall organize by electing one of their number chairman and one of their number secretary, or the secretary may, if the board deem advisable, be selected from the body of the township. They shall at said meeting apportion among themselves and as they deem proper, the different roads of their respective townships for their inspection and supervision, as hereinafter set out.

SEC. 5. That said board of road supervisors shall again meet on Saturday before the second Monday in August, one thousand nine hundred and nine, and annually thereafter on Saturday before the second Monday in August, in their respective townships, to receive the reports of road overseers in their respective townships and to receive reports from each of their said members as to the condition of the roads apportioned for their inspection and supervision, and to pass upon the same; to hear complaints of any 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 or persons 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 to perform such duties as the general law of the State requires.

SEC. 6. That each supervisor shall, within ten days before each meeting of the board of road supervisors on the Saturday before the second Monday in March and August, go over and personally inspect the whole of every public road in his township which shall have been apportioned to him for his inspection and supervision, 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 the same, 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 repair, 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, and report the same to the road overseer, who shall examine said bridge, and if found unsafe or improperly repaired, said overseer shall report the same at once to the chairman of the board of road 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, should same be of sufficient importance, 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 overseer to fill up the stream or ditch 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 bridge across the public road; the cost to be paid by the person whose duty it is to keep in repair the bridge, should the supervisors find that the bridge needed repairs or additional repairs, otherwise the county shall pay the cost: *Provided*, nothing herein shall exempt a person whose duty it is to keep up such bridge from indictment under the laws 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: *Provided*, that this 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 supervisor shall in all cases be received in evidence where pertinent, and shall be presumptive evidence of the facts it contains; but the presumption may be rebutted by proper and sufficient evidence.

SEC. 7. That said board of road supervisors shall, at each of their succeeding meetings held on the Saturday before the second Monday in March, reorganize by electing one of their number chairman and one of their number secretary, or said secretary may be chosen from the body of the township, and the secretary so elected shall keep an 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 Road Supervisors" of the township in which it is kept. Said book shall be furnished by the county commissioners at the expense of the county; and the 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 and that he will take care of and preserve such records and all papers left with him by color of and by virtue of his said office, and at the end of his term of office that he will turn the same over to the successor or to anyone else authorized by said board to receive them. He may be removed from office at the discretion of the board of road supervisors. Any failure on the part 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

Notice to county commissioners for repair of bridges.

Provide: county commissioners not relieved.

Arrest of overseers.

Reorganization.

Record of proceedings.

Secretary to be sworn.

Removal for cause. Failure to perform duty a misdemeanor.

returned to the county commissioners and filed in the register of deeds' office as a permanent record of the county, and another and similar book furnished the said secretary.

Special meetings
of supervisors.

SEC. 8. That said board of road supervisors may hold special meetings not oftener than once in three months, if in their discretion the same are necessary, and the number to be determined upon and the time for holding same shall be settled by the board of road supervisors at the meeting held by them on Saturday before the second Monday in March of each year; but when the number of times for holding said meetings shall have once been fixed they shall continue until changed at one of their said annual meetings, and if it shall be made to appear to the satisfaction of the said board or to the supervisor who may have in charge the said road complained of, that any road overseer or other person has failed to perform his duty in regard to the working and keeping in repair of the said roads, then they shall cause a notice to be served on such overseer, person or persons, by the secretary of said board, to comply with the law in such case without unnecessary delay. A written notice signed by said secretary and left with said overseer, person or persons, or at their residence or regular place of business, shall be a sufficient notice for the purpose herein set out. 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 imprisoned not to exceed thirty days.

Notice to over-
seers or persons
failing to dis-
charge duty.

Failure to per-
form duty a mis-
demeanor.
Punishment.

Report of money
needed.

SEC. 9. That the board of road supervisors, at their meeting held on the Saturday before the second Monday in March 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 or before the first Monday in June of each year, who shall, upon such recommendation, levy a tax on the property and polls in said township sufficient to raise the amount of money reported necessary, including the expense of collecting and paying out the same, which said levy shall in no case exceed ten cents on the one hundred dollars' worth of property and thirty cents on the poll. Said tax shall be collected as other taxes and paid over to the treasurer of the county, who shall place it to the credit of the board of road supervisors in the township in which it was collected, to be paid out only upon the written order of the said board of road supervisors, which order shall be signed by the secretary and countersigned by the chairman of the said board of supervisors; and said board of road supervisors shall not draw on said funds except for paying for such repairs made upon the roads of the township as they find that the overseers are unable to properly and successfully repair with the road hands under the general road law of the State, and

Levy of road tax.

Limit.

Collection.

Payments.

Use of funds.

for such tools for repairing the roads as they may deem necessary and proper to buy for the proper working and repairing of the same. The collecting officer shall receive one and one-half per cent on such taxes for collecting, and the treasurer one and one-half per cent for paying out said moneys. The official bonds of the county treasurer and several tax collectors of said townships in said county shall be responsible for the faithful performance of their duties prescribed under this act. And to carry out the provisions of this section for repairing said part of said road, the board of supervisors may let the repairing of same to the lowest contractor, if in their judgment it is to the best advantage so to do, which work, if so contracted, shall be done under the supervision of the road supervisor having such road in charge, or, should they deem best, the board may authorize such supervisor to hire hands and have the work done and pay for same out of any money to the credit of such township for that purpose. The board of road supervisors shall not be compelled to ask for such tax annually, but only when in their opinion such is absolutely necessary.

Commission of collector and treasurer.
Bonds of treasurer and tax collector.

Road let to contract.

Hire of hands.

Road tax asked for when necessary.

Sec. 10. 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 as any part of the public road without first obtaining permission of the board of road supervisors, he shall be guilty of a misdemeanor, and in such case it shall be the duty of the overseer 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 every such offense for the use of the road fund in that township; but any person feeling that he has the right to move a fence out on land which has been used as a part of the public road may file his petition with the board of road supervisors in the township in which the land is situate, praying that he or she be allowed to move his or her fence out to a certain line, and if said board shall find that the petitioner is so entitled they shall grant an order to that effect. Any party dissatisfied with the order of the board in such case may appeal to the board of county commissioners.

Encroachments on road a misdemeanor.

Removal of obstruction.

Penalty.

Petition for encroachment.

Appeal.

Sec. 11. That any person, firm or corporation, who are not *bona fide* residents of said county, desiring to use any of the public roads of a township in said county for carrying on his or its business of hauling mill logs or timber or other heavy timber with log wagons, log carts and other heavy vehicles, shall first obtain a license from the board of road supervisors of the township in which he or they may desire to operate and make such use of the roads, and by paying an annual license tax of fifteen dollars for each wagon or cart or vehicle of the kind above described to be used, which tax shall be paid to the secretary of the board, who shall issue to him or them a license for the purpose above set out, and shall at once forward to the treasurer of the county and place

License for hauling mill logs or timber.

License fee.

Violation of section a crime. Penalty.	to the credit of the board of road supervisors of that township, to be used by the board as other funds for said township. Any person violating this section shall be guilty of a crime, and liable to a penalty of fifty dollars, to be recovered in an action by the board of road supervisors for the township where the offense took place, for the benefit of the road fund for that township. The board may employ counsel to collect same, who shall be paid by said board out of the funds belonging to the board of road supervisors of that township.
Employment of counsel.	
Obstructing roads a misdemeanor.	SEC. 12. No person shall place and leave any logs, timber or other obstructions in any public road without the permission of the board of road supervisors. Any person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars and imprisoned not more than thirty days.
Punishment.	
Persons damaging road to repair same.	SEC. 13. That if any resident person, company or corporation shall damage any public road, bridge or causeway, by hauling logs or sawmill timber thereon, and shall not repair the damage done thereto within five days after being notified of said damage by the overseer of said road or by any member of the board of supervisors of said township in which said damaged road is situated, he shall be guilty of a misdemeanor, and shall be fined not less than ten nor more than fifty dollars, or be imprisoned not exceeding thirty days; such fine or fines, when collected, shall be paid to the treasurer of the county and shall be credited to the road fund of that township in which said damage was done;
Failure a misdemeanor.	<i>Provided</i> , if any person shall pay the damage assessed by the board of road supervisors for injury to such road, bridge or causeway, within ten days from the time such assessment is made, then such payment shall be a complete bar to any criminal prosecution under this section, and if any criminal proceedings shall have commenced in said criminal prosecution, such may be ended by the defendant paying the costs necessarily incurred in the said criminal prosecution and satisfying the court that said damages and all proper costs have been paid.
Punishment.	
Fines to use of road fund.	
Proviso: payment a bar to prosecution.	
Fee for warning hands.	SEC. 14. That overseers of roads shall receive fifty cents for notifying the road hands for each day engaged in notifying same, and the members of the board of road supervisors shall receive fifty cents each for each day actually engaged in the performance of their duties under this act, all of which fees shall be paid by the board of county commissioners out of the general fund of the county, upon a duly executed warrant by the secretary and countersigned by the chairman of the township board of road commissioners.
Pay of supervisors.	
Road duty.	SEC. 15. That the overseers of roads in each township in Hertford County are authorized, whenever necessary to keep in repair their roads, to work the hands assigned to road duty on their respective roads as many as twelve days during each year: <i>Provided</i> , said overseers and road hands shall be paid seventy-five
Pay for work over six days.	

cents for every full day's work done on their respective roads over six days, out of the road money belonging to the township in which the labor is performed; and if any such road is a dividing line between any two townships, then the costs shall be paid equally by said two townships.

Roads dividing townships.

SEC. 16. That public bridges, dams, ferries and those parts of public roads through swamps and low, wet land approaching public bridges and ferries over streams or water courses, shall remain under the jurisdiction of the board of county commissioners of the county, under the general road law of the State.

Bridges, dams, ferries and swamp roads.

SEC. 17. That the board of road supervisors of any township in the county may work on the roads in said township the convicts confined in the jail of said county, and such other convicts in other counties as may be sentenced to work on the roads in said county, whenever said board shall provide sufficient quarters, guards and overseers, at the expense of said townships, for the safe-keeping and control of said convicts. The judges of the first and second judicial districts of this State are authorized and empowered to sentence convicts in said county and other counties to work upon the public roads of said county, and the said road supervisors in each township and said board of county commissioners shall determine among themselves as to which townships such convicts shall be assigned to work, and the time allowed for them to be worked in each township.

Convicts may be worked on roads.

Convicts to be sentenced to road work.

Allotment of convicts.

SEC. 18. That the general road law of the State shall be in full force in Hertford County, except wherein it is inconsistent with this act.

Application of general road law.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed, and this law shall apply only to Hertford County.

Repealing clause.
Application of act.

SEC. 20. That this act shall take effect from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 425.

AN ACT AMENDING THE ROAD LAW OF McDOWELL COUNTY (EXCEPT MARION AND CROOKED CREEK TOWNSHIPS).

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter seven hundred of the Acts of one thousand nine hundred and seven be amended by adding to the end of said section the following: "That upon being petitioned by one-third of the qualified voters of any township,

Election to be called on petition.

Ballots.	other than Marion Township, the Board of Commissioners for McDowell County shall call an election to be held in such petitioning township, under the general law governing the holding of elections, at which election a vote shall be had by ballots upon which shall be printed either 'For Chain Gang' or 'Against Chain Gang,' and if a majority of the votes cast shall be 'For Chain Gang,' said board of commissioners at their next regular June meeting, and
Levy of tax.	at each regular June meeting thereafter, shall levy the same rate of taxes for public roads in such township as is levied for the same year in Marion Township, and shall, as soon as practicable after such tax is collected, proceed to have the convict force now worked in Marion Township worked upon the public roads of
Proportion of work.	such other township, at the proper expense thereof, the proportion of time that said township pays of the total dirt-road or chain-gang tax levied in Marion and such other townships in which elections have been so held and carried; such working, and the keeping and maintaining of said convicts to be done under the supervision, authority and responsibility of said board of county commissioners and the engineer of public roads (hereinafter provided for), the said board of commissioners paying all necessary bills so incurred, after the same have been approved by the engineer of public roads; and that convicts shall not be worked in, nor kept at the expense of, any township in McDowell County, except Marion Township, until such election shall have been so held and carried.
Supervision of work.	
Engineer of public roads.	SEC. 2. That the Board of County Commissioners for McDowell County are hereby authorized, and it shall hereafter be their duty, to employ, at a reasonable compensation, an engineer or practical road surveyor, who shall be known as the engineer of public roads
Duty of engineer.	for McDowell County, whose duty it shall be, at the direction of said board of commissioners, to survey and locate, or relocate, to the best advantage generally, and especially as to grade, all proposed changes in the public roads of said county of McDowell, and all new roads proposed to be laid out, and file his map or profile thereof with said board of commissioners before any change or relocation of any road shall be ordered by said board, or before any new road is ordered laid out, which map shall show, if a proposed change, the line of the old as well as the proposed new road and the grade of both, and in all cases shall show the per cent of grade of both old and new roads or parts thereof in each one hundred feet, and whose further duty it shall be to perform the requirements hereinafter assigned to him.
Expense of surveys.	SEC. 3. That the expense of all surveys made by said engineer of public roads shall be borne out of the funds apportioned to the township in which the surveying is done.
Expenditure of road tax.	SEC. 4. That no part of said road tax, or of the road tax now being collected or hereafter collected, shall be expended upon any part of any road except for the relocation and better grading by

such relocation of the roads or parts thereof, or macadamizing, or building bridges and water ways of such size and character as not to be reasonably built by the overseers and road hands, and that such tax shall be paid out only upon the order of the Board of Commissioners for McDowell County, after a personal inspection of the work performed or material furnished, for which a claim is filed, has been made by said engineer of public roads, and upon his approval of each and every claim, which shall be itemized in detail. Road orders.

SEC. 5. That on the first Saturday of April, one thousand nine hundred and nine, and of each February of each year thereafter, every justice of the peace and every overseer of roads in each township shall meet at the usual place for voting, unless a different place be settled upon by the consent of all, not later than the hour of ten o'clock A. M., then and there to make out a census or complete list of all persons in their township who are subject to work upon the public roads, and at the same time to make out and deliver to each overseer of roads a list of his just pro rata of hands assigned to work upon his section or division, and said justices of the peace shall at the same time certify, under their hands, to the engineer of public roads a full and complete census or list of the names of all persons subject to work upon the public roads of their township as assigned to each overseer, with the overseer's name at the head of each list, certifying also at the same time to the engineer of public roads the names of any and all overseers and justices of the peace who fail to attend such meeting at the hour of ten o'clock A. M. and remain until their work is completed, for which service each justice of the peace and each overseer of roads shall be paid one dollar for each meeting so attended. Meetings of justices and road overseers.
List and allotment of hands.

SEC. 6. That every overseer of public roads shall promptly report to said engineer of public roads every hand working upon his road, with a true and complete list of the names of all persons who attended and worked, and also the names of all persons upon his list who failed for any cause to work. Reports of overseers.

SEC. 7. That every overseer of roads shall notify the engineer of public roads at least one week before each working of his road, by giving him either personal notice or by mailing him a written notice through the United States mail, in time for such notice to reach said engineer one week before such working: *Provided*, that no working of any public road shall be had at any time during the winter months of December, January and February; and *Provided further*, that any and all overseers shall, when their roads or any part thereof becomes impassable or dangerous to the passage of ordinary vehicles, on account of storms or any other cause, warn out such number of his hands as is necessary, and no more, to repair such dangerous parts of his road during any month in the year and at any and all times and without giving notice to said engineer of roads. Overseers to notify engineer.
Proviso: no road work in December, January or February.
Emergency work.

Engineer to attend meetings of commissioners.

SEC. 8. That said engineer of public roads shall attend with the Board of Commissioners for McDowell County at the courthouse on the first Monday of every May, September and January, for the special purpose of approving claims and of examining the reports of overseers of the workings of roads and of comparing the same with his census of those liable to road duty.

Reports of engineer to solicitors.

SEC. 9. That said engineer of public roads shall report in writing to the solicitor on the first day of each term of court for the trial of criminal causes in McDowell County the names of any and all justices of the peace and overseers who fail to comply with the provisions of this act and of every person liable to work upon the public roads who has failed to work, together with any and all violations of the road law, and any dereliction of duty upon the part of any person whomsoever which shall come to his knowledge or attention by any credible means concerning the road law for McDowell County, and shall further perform any and all such duties as the board of county commissioners may deem proper to assign to him concerning the carrying into effect of the road law for McDowell County.

Abstracts and blanks to be furnished.

SEC. 10. That the board of county commissioners shall, as soon as may be, have printed and shall furnish at the cost of the county to each justice of the peace and each overseer of roads in McDowell County appropriate printed abstracts or blank reports upon which to make the reports herein required of them, and shall also have printed and furnish to each overseer and justice of the peace of McDowell County a printed synopsis of the road law for the county.

Synopsis of road law.

Opening new roads.

SEC. 11. That the Board of Commissioners for McDowell County shall have power and authority, upon an approved survey of any new road or any proposed change in any old road or any part thereof, to order the same to be laid out and built and opened to public travel, and when so ordered such road or part thereof may be laid out, built and opened to public travel, without hindrance by the owner of the land over which the road is located, on account of any claim for damages which may be caused by the building of such road or for any other cause; and in the building and construction of roads, or changes in the same or parts thereof, earth, stone, wood, timber and other necessary materials may be taken from adjoining or nearby land: *Provided*, that any person over whose land said road may be built or from which any material shall have been taken may file with the said board of county commissioners his claim, in writing, within sixty days from the time of the completion of the road or part thereof upon his land, when it shall be the duty of said board of commissioners to have summoned a jury of three disinterested citizens of the county, of no relation to the claimant, to go upon and view the premises and report in writing to the said board of commissioners the amount of damages, if any, which they may find the claimant

Hindrance by landowner.

Materials.

Claims for damages.

Procedure for settlement of damages.

to have sustained, after taking into consideration the benefits, if any, to the land by its increased usefulness and value by reason of the building of such road or part thereof, or change in any road.

SEC. 12. That all persons who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court. Violation of act a misdemeanor.
Punishment.

SEC. 13. That this act shall not apply to any county except McDowell, nor to Marion or Crooked Creek townships, in said county of McDowell. Application of act.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 426.

AN ACT TO AMEND SECTION 4, CHAPTER 969, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, chapter nine hundred and sixty-nine, Public Laws of one thousand nine hundred and seven be amended as follows: Strike out all of said section after the word "consumption," in line fifteen, and insert in lieu thereof the following: "*Provided further*, that coon oysters may be taken from September first to May first of each year upon the condition that no instrument or implement shall be used in the taking of said coon oysters before November first and after April first.

Proviso: taking of coon oysters.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 427.

AN ACT TO CHANGE THE JURISDICTION OF THE OCTOBER TERM OF THE SUPERIOR COURT OF UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six, chapter twenty-eight, page four hundred and fifty-one of the Revisal of one thousand nine hundred and five of North Carolina, be and the same is hereby amended by striking out at the

Jurisdiction
defined.

end of paragraph designating the time for the holding of the Superior Courts of Union County, the words, "for the trial of criminal cases exclusively," and inserting in lieu thereof the following: "The first week for the trial of civil cases exclusively, and the second week for the trial of civil or criminal cases."

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 428.

AN ACT FOR THE RELIEF OF THE FAYETTEVILLE INDEPENDENT LIGHT INFANTRY COMPANY.

Preamble: organization.

Preamble: record of company.

Preamble: recognition and incorporation.

Preamble: former appropriation.

Preamble: payment of appropriation.

Preamble: service in Spanish-American war.

Lapse of appropriation.

Whereas the Fayetteville Independent Light Infantry Company, of Fayetteville, North Carolina, was organized August the twenty-third, one thousand seven hundred and ninety-three; and whereas said company has never failed to respond to the call of duty, and has participated in every war in which this country has been engaged since the date of its organization; it having participated in the battle of Bethel, when the first North Carolina blood was shed, and was among those who fired the last shot at Appomattox; and it having been called out several times in the past ten years in cases of emergency, and has, and does yet, express its willingness at all times to uphold the honor of North Carolina and obey the orders of its chief executive; and whereas the said company has been distinctly recognized and honored by act of the General Assembly of North Carolina, and has been at all times recognized as a part of the organized militia of North Carolina, and was by act of the General Assembly of North Carolina of one thousand eight hundred and ninety-one, chapter three hundred and twenty-five, page one thousand four hundred and eleven, duly chartered and given a corporate existence; and whereas in said act it was provided that said company should receive an annual appropriation from the State of North Carolina of a sum equal to the amount paid other military companies of the State of North Carolina; and whereas by authority of said act the said Fayetteville Independent Light Infantry Company received, for a few years, a sum equal to that received by other companies of the State, which was about two hundred and fifty dollars per year; and whereas the said Fayetteville Independent Light Infantry Company volunteered for service in the Spanish-American War, and was mustered in for service in the year one thousand eight hundred and ninety-eight, and returned from said war in the early part of the year one thousand eight hundred and ninety-nine, and since that time this appropriation has been overlooked by

the State officials, and the said Fayetteville Independent Light Infantry Company has not received any part of that appropriation since prior to the year one thousand eight hundred and ninety-eight; and whereas the other military companies of the State have continued to receive during all this period said appropriation of two hundred and fifty dollars per year: now, therefore,

Preamble: other companies.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of two thousand dollars be and the same is hereby appropriated to the Fayetteville Independent Light Infantry Company, of Fayetteville, North Carolina, to be paid out of any money in the State Treasury not otherwise appropriated, in lieu of two hundred and fifty dollars per year from the year one thousand eight hundred and ninety-eight to the year one thousand nine hundred and eight, which was inadvertently not paid to the said Independent Company as provided by the act of the General Assembly of one thousand eight hundred and ninety-one.

Appropriation in lieu of omitted payments.

SEC. 2. That the Treasurer of North Carolina be and he is hereby directed to pay to the Fayetteville Independent Light Infantry Company, of Fayetteville, North Carolina, the said sum of two thousand dollars out of any money in the treasury not otherwise appropriated.

Treasurer directed to pay sum appropriated.

SEC. 3. That the said Fayetteville Independent Light Infantry Company, in addition to the above two thousand dollars, shall be entitled to, annually hereafter, an amount equal to that received by the companies of the North Carolina National Guard, the same to be paid each year out of any funds in the treasury not otherwise appropriated, provided the said company shall at all times obey the orders issued concerning it by his Excellency, the Governor and Commander in Chief.

Future appropriation.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 429.

AN ACT TO PREVENT THE SALE OF WINE, CIDER AND OTHER INTOXICATING BITTERS WITHIN THREE MILES OF CERTAIN CHURCHES IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to engage in the sale or manufacture of wine, cider or any intoxicating bitters within three miles of the Woodville Baptist Church and Welcome Home Freewill Baptist Church, in Strait's Township, Carteret County.

Sale or manufacture of wine, cider or intoxicating bitters forbidden.

Violation of act a misdemeanor.

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

Punishment.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 430.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF COLUMBUS TOWNSHIP, POLK COUNTY, THE QUESTION OF ISSUING BONDS FOR MACADAMIZING THE COLUMBUS AND TRYON PUBLIC ROAD.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That the Board of County Commissioners of Polk County, upon a petition signed by one-fifth of the qualified voters of Columbus Township, presented to said board at any time after the passage of this act, is hereby authorized, empowered and directed to submit to the qualified voters of said Columbus Township, 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 petition, the question as to whether or not the township of Columbus shall issue bonds in the sum of twelve thousand dollars, the proceeds of which shall be used for the purpose of making, grading, repairing, improving and macadamizing the public road and street hereinafter described. The board of county commissioners shall, for at least thirty days preceding the election, give notice of such election, together with the purpose thereof, by publication in at least one newspaper published in Polk County: *Provided*, that if a majority of the qualified voters of said township shall not vote to issue bonds at the election so held, the said board of county commissioners shall submit the said question to the qualified voters of said township at any other time or times, upon the filing of a similar petition signed by one-fifth of the qualified voters of said township.

Election to be called.
Time for election.
Question on bond issue.
Use of proceeds.

Notice of election.

Proviso: further election.

Law governing election.

SEC. 2. Except as otherwise provided herein, any election held under this act shall be held and conducted in the same manner as is now or may hereafter be provided by law for holding elections for members of the General Assembly. The said board of county commissioners, upon calling the first election under this act, shall order a new registration of the voters of said township, and shall order a new registration for any subsequent election held hereunder if requested so to do by the petition asking for said election. The registrar and judges of election shall be appointed by the board of county commissioners, and the vote

New registration.

Appointment of registrar and judges.

at any election held under this act shall be counted at the close of the polls and returned over the signatures of the registrar and judges of election to the said board of county commissioners at its first meeting after the holding of said election, at which meeting the said board of county commissioners shall tabulate and declare the result of said election, all of which shall be recorded upon the minutes of said board, and no other recording and declaration of the result of said election shall be necessary.

Count and return of votes.

Tabulation and declaration of result.

SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters of said township shall have written or printed upon them "For good-road bond issue" or "Against good-road bond issue," and all qualified electors who favor the issuing of said bonds shall cast ballots having written or printed thereon the words "For good-road bond issue," and all qualified electors opposed to the issuing of said bonds shall cast ballots having written or printed thereon the words "Against good-road bond issue."

Ballots.

SEC. 4. That should a majority of the qualified voters of said township cast ballots having written or printed thereon the words "For good-road bond issue," as above described, the said Board of County Commissioners of Polk County shall issue bonds of said Columbus Township in the sum of twelve thousand dollars, to be in denominations of one thousand dollars or five hundred dollars, and shall bear interest at a rate not exceeding six per cent per annum, which shall be evidenced by interest coupons attached, payable semiannually during the time said bonds shall run, and the principal thereof shall be payable twenty years from the date of their issue; the principal and interest to be paid at the place provided for in said bonds, to be determined by the said board of county commissioners. The said bonds and coupons shall be numbered consecutively, beginning with the number "one," the said coupons to bear the number of the bond to which they are attached; and both the bonds and coupons shall be signed by the chairman of the board of county commissioners and countersigned by the clerk, and shall have impressed upon them the official seal of said clerk, and shall be styled the "Columbus Township Highway Improvement Bonds."

Bonds to be issued.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

SEC. 5. The said bonds, when prepared and executed by the said board of county commissioners above specified, shall be turned over to the Chairman of the Highway Commission of Columbus Township, which commission is hereinafter created, and the said highway commission shall have power to advertise and sell any or all of said bonds at such time or times as they shall deem best for the purpose of raising a fund with which to repair, make, improve and macadamize the public road and street hereinafter defined in the manner hereinafter specified; and the said highway commission shall record all their proceedings in respect

Bonds turned over to highway commission.

Advertisement and sale of bonds.

Records.

Proviso: bonds not to be sold below par.
Specific appropriation.

Proviso: responsibility of purchaser.

Funds to be turned over to treasurer.

Road orders.

Funds kept separate.

Official bond.

Action on bond.

Proviso: cost of bond.

Highway commission.

Number.

Term of office.

Election of successors.

Vacancies.

Continuance of commission.

to said bonds in the minutes of their meetings; and whenever the same are sold the number of the bonds and their denominations, to whom sold, and the number of coupons attached, must be recorded in said minutes: *Provided*, that none of said bonds shall be disposed of by the said highway commission by sale, exchange or otherwise, for less than their face value, nor shall the said bonds or the proceeds thereof be used for any other purpose or purposes than those declared by this act: *Provided further*, that the purchasers of said bonds shall not be required to see to the application of said fund.

SEC. 6. The funds derived from the sale of said bonds shall be turned over to the treasurer of the said highway commission and paid out by him on the order of said highway commission, signed by its chairman and attested by its secretary. The said treasurer shall keep said funds separate from all other funds which may come into his hands, and before any fund provided for in this act shall be paid over to him he shall execute an official bond for the faithful performance of his duty as treasurer, payable to the township of Columbus, to be executed in such sum and with such security as said highway commission shall deem proper, and to be renewed at least once in every year; and the said highway commission shall prosecute an action in the name of the said township of Columbus in the Superior Court of Polk County on the bond of said treasurer whenever they have knowledge or a reasonable belief of any breach of said bond: *Provided*, that the cost of said bond shall be paid by the said highway commission out of the fund derived from the sale of said bonds.

SEC. 7. That should any election held under this act 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 Columbus Township, to be known as the "Highway Commission of Columbus Township," which commission shall consist of five members as hereinafter named, and shall hold office for the term of three years from the date of the election under which said bonds are voted; and in the event that the road and street authorized to be improved under this act are not completed and turned over to the authorities as hereinafter provided, during their term of office, their successors shall be elected for the term of three years by the magistrates of said Columbus Township at a meeting to be held by said magistrates in the town of Columbus on the Saturday next preceding the expiration of the term of office of the commission herein appointed. Any vacancy occurring by removal from office shall be filled by the justices of the peace of said township, and any vacancy occurring in any other manner shall be filled by the said highway commission. The said highway commission shall continue in office until the road and street hereinafter specified shall have been im-

proved as herein set forth, or until the proceeds derived from the sale of said bonds shall have been used, and shall each receive as compensation for their services the sum of one dollar and fifty cents per day and all necessary expenses for the time actually employed by them in attending to the duties imposed upon them by this act. That as soon as practicable after the result of said election shall have been declared by the said board of county commissioners, the members of said highway commission shall meet and organize by electing one of their number chairman, another secretary, and another, or some other suitable person, treasurer, and shall pass such rules and regulations for their government as they shall deem best. The said secretary shall keep a record of all the acts and proceedings of said commission, which shall be open at all times for the inspection of the magistrates of said Columbus Township: *Provided*, that the said highway commissioners, before entering upon the duties of their office, shall take an oath before some person authorized to administer oaths to perform said duties well and truly, according to the best of their knowledge, skill and ability.

Compensation.

Commissioners to meet and organize.

Organization.

Record of acts and proceedings.

Proviso: commissioners to qualify.

SEC. 8. That said highway commission shall have complete and full charge and control of the locating, making, building, repairing and improving of the public road and street hereinafter defined, and shall employ a competent engineer or engineers, who shall superintend the laying off, building and repairing of said road and street, and who shall receive such compensation for his services as may be determined by said highway commission.

Powers of commission.

Employment of engineer.

Compensation.

SEC. 9. That the road and street to be made, improved and macadamized by said highway commission are as follows: The road leading from Tryon to Columbus, known as the Tryon and Columbus Road, beginning at the Tryon Township line at or near Hutcherson's blacksmith shop, and extending to the corporate limits of the town of Columbus; and the street leading from the termination of said road to a point in said street directly in front of the centre of the courthouse in the town of Columbus. The road, when finished by said highway commission, shall be by them turned over to the road authorities of Columbus Township, who shall thereafter take charge and control of the same under the general road law of Polk County; and the said street, when finished, shall be turned over by said highway commission to the town authorities of the town of Columbus.

Road and street to be macadamized.

Road and street when finished.

SEC. 10. Said highway commission shall provide proper specifications, in accordance with the provisions of this act, for the building and repairing of the road and street 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

Specifications for building and repair.

Work let to contract.

Bond of contractor.

Right to reject bids and do work.	contracted for shall be done according to the specifications and to the satisfaction of said highway commission, and providing for the payment of all damages that may be caused by any such contractor or contractors to public or private property. Said highway commission shall, however, be permitted to reject any and all bids so submitted for said work or any part of it, and in the event they are unable to have the work done by contract at satisfactory prices, said commission shall have the power of doing the same itself, and for that purpose is authorized to hire all necessary labor, purchase all necessary machinery, tools and implements, and generally to do and perform all acts and things necessary and requisite to be done in order to carry out the provisions of this act.
Entry on land for material.	SEC. 11. That in widening, straightening, grading and macadamizing the road and street authorized to be improved by this act, the said highway commission and their agents or contractors are hereby authorized to enter upon any lands necessary to effectuate said purpose, and may take all necessary timber, stone and other material therefrom, and for the purpose of getting stone shall have the power to operate quarries on any lands near to or adjoining said road or street, and to place all necessary machinery thereon for the purpose of crushing and removing stone: and if the said commission and the owner or owners of such land cannot agree as to the damage that may be done said owners, 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 Polk County to summon three freeholders, not connected by affinity or consanguinity with the owner or owners of said land, who shall go upon the land and assess the damages and the benefits that will accrue to the same by reason of said improvement, and report their decision in writing to the 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 to the next succeeding term of the Superior Court of Polk 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 the damages awarded with the Clerk of the Superior Court of Polk County, have the right to proceed with the building, repairing or improving of the road or street affecting the lands of said owners without waiting for the final determination of the proceeding; and any and all damages assessed by any jury shall
Procedure for settlement of damage.	
Right of appeal.	
Rejection of report.	
Work to proceed on deposit of award.	
Payment of damages.	

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; but if any party appealing from the action of said highway commission shall fail to recover more damages upon his appeal than was allowed him by the jury, he shall pay the costs of such proceeding after the action of said highway commission thereon. No benefits shall be assessed or allowed in excess of the damages assessed on any particular piece of road, but all such benefits shall be deducted from the damages and the owner or owners shall be paid the difference by the said highway commission.

Costs.

Costs on failure of appeal.

Benefits not assessed in excess of damages.

SEC. 12. That whenever, in the progress of the work on the road authorized to be improved under this act, it shall become necessary to repair or construct any bridge or bridges, the said highway commission shall notify the Board of County Commissioners of Polk County, and it shall then be the duty of the said board of county commissioners to repair or construct said bridges.

Bridges a charge on county.

SEC. 13. The road authorized to be 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, twenty feet graded, and the whole of which shall be straight as practicable; and the street authorized to be improved under this act shall be at least forty feet wide, twenty feet of which shall be graded, but shall not be macadamized of any greater width than the road.

Specifications.

SEC. 14. That all justices of the peace and mayors of any incorporated towns in the county of Polk, before whom any male person may be tried and convicted of any crime within said county, in cases and for offenses within the jurisdiction of said justices and mayors, when the judgment shall impose punishment by imprisonment on any such offender, may and they are hereby empowered to sentence said convicted person to work on the public road and street authorized to be improved under this act.

Convicts sentenced to work on street and road.

SEC. 15. That any judge of the Superior Court holding court in the county of Polk may sentence all male persons convicted of crime, for which said persons may be sentenced to road work under the general laws of the State, to work on the road and street authorized to be improved under this act; and any judge of the Superior Court holding court in any other county, in which there is no provision of law for working convicts on the public roads of said county, may sentence convicted persons to work on said road and street: *Provided, however,* that the highway commission of Columbus Township shall first make application to the judges of said courts to sentence said convicted persons to work on said road and street.

Convicts sentenced to work by superior courts.

Proviso: application by highway commission.

SEC. 16. That the said highway commission of Columbus Township shall have the custody and control of any and all convicts

Custody and control of convicts.

Discipline.
Safe-keeping.

sentenced to work on the said road and street herein mentioned, and the said commission is hereby authorized to enact and enforce all needful rules and regulations for the successful working of said convicts, and shall have power to employ a suitable person or persons to guard them, and the said guard shall have the power to use such discipline as is allowed by law to the authorities of the penitentiary in controlling and preventing the escape of convicts committed to the State's Prison. Said highway commission shall have the power to erect necessary temporary stockades or places of enclosure wherein said convicts may be placed and kept while engaged in the work herein provided for.

Special tax if bonds are voted for.

Constitutional equation.

Collection.
Special tax for sinking fund.

SEC. 17. That should any election held under the provisions of this act be in favor of issuing the bonds hereinbefore mentioned, the Board of County Commissioners of Polk County shall compute and levy annually on the first Monday in June, beginning with the first Monday in June after the issuing of said bonds, a sufficient special tax for said Columbus Township, upon all polls and all property in said township subject to taxation, always observing the constitutional equation between the poll and property tax, with which to regularly and promptly pay the interest on said bonds; said taxes to be collected in the same manner and at the same time as other taxes, and to be paid over by the sheriff or tax collector to the Treasurer of Polk County.

Constitutional equation.

Amount.

Collection.

Specific appropriation of taxes.

Misappropriation a misdemeanor.

SEC. 18. For the purpose of raising a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the Board of County Commissioners of Polk County, at and after the expiration of ten years from the date of said bonds, to annually levy a special tax in addition to the tax provided for in section seventeen of this act, upon all polls and property subject to taxation in said Columbus Township, the constitutional equation between the tax on polls and the tax on property to be observed, which tax shall equal in amount one-fifteenth of the amount of the bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof as provided in section twenty of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said board of county commissioners shall cease to levy taxes for said sinking fund. The taxes collected under this section shall be collected as provided for the collection of those levied under section seventeen of this act.

SEC. 19. That the taxes levied and collected for the purposes specified in sections seventeen and eighteen of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used for the purposes for which they were levied and collected, and any members of the Board of County Commissioners of Polk County who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other

than that for which they were levied, any of said special taxes, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any one year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said board of county commissioners, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Proviso: surplus
of tax for interest.

SEC. 20. That it shall be the duty of the Board of County Commissioners of Polk County to annually invest any and all moneys arising from the special tax collected under section eighteen of this act in the purchase of any of said bonds at a price deemed advantageous to the township of Columbus by the said board of county commissioners; but in case the said bonds cannot be purchased the said board of county commissioners may lend said sinking fund on real estate or good personal security. The notes and other evidences of debt given for any loan under this section shall be executed to and in the name of the Board of County Commissioners of Polk County; and in case said board of commissioners shall not be able to invest any or all of said money annually as directed above, it shall be the duty of said board to cause such parts as they may be unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investment, as above directed, shall be reinvested, in the manner as above provided, until said bonds are due.

Investment of
sinking fund.

SEC. 21. That any highway commissioner or other officer making or causing to be made any fraudulent order, whereby money is to be paid out of said fund herein provided for, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court, and shall be removed from office; and any highway commissioner or other officer failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor, and fined not less than twenty nor more than fifty dollars: *Provided further*, that the justices of the peace of said Columbus Township may, for good and sufficient cause, remove any one or more of the said highway commissioners, and fill the vacancy or vacancies caused thereby as provided in section seven of this act.

Fraudulent order
a misdemeanor.

Punishment.

Failure or refusal
to perform duty a
misdemeanor.
Punishment.

Proviso: justices
may remove high-
way commis-
sioners for cause.

SEC. 22. That all expenses arising by virtue of this act, in calling, conducting and holding any election held hereunder, shall be paid by the Board of Road Trustees of Columbus Township out of the road funds of said township, and if any election shall be in favor of issuing said bonds, all expenses incurred in preparing, issuing and selling said bonds shall be paid by the highway commission out of the funds arising from the sale of said bonds.

Expenses of elec-
tion and of prep-
aration and sale
of bonds.

Residence of highway commissioners.

SEC. 23. That the members of the said highway commission shall be residents of the township of Columbus and may reside either in or out of the town of Columbus.

Highway commissioners named.

SEC. 24. That the following are hereby appointed the members of the said highway commission, viz.: M. N. Hall, J. F. Ridings, J. E. Shipman, J. P. Arledge and J. G. Hughes.

Certified copy of act to be sent.

SEC. 25. That immediately after the passage of this act the Secretary of State shall send a certified copy of the same to the Register of Deeds of Polk County.

SEC. 26. That all laws and clauses of laws in conflict with this act, in so far as they relate to the township of Columbus, are hereby repealed.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 431.

AN ACT TO FIX THE SALARIES FOR PUBLIC OFFICERS OF ROCKINGHAM COUNTY, AND TO INCREASE THE SCHOOL FUND.

The General Assembly of North Carolina do enact:

Appointment of deputies by sheriff.
Fees allowed deputies.

SECTION 1. The Sheriff of Rockingham 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.

Other fees to be collected and held by sheriff.

SEC. 2. All other fees, commissions, profits and emoluments of all kinds, now belonging or appertaining to, or hereafter by any law belonging or appertaining to the sheriff by virtue of his office, shall be faithfully collected by him, and kept as a separate and distinct fund to be disposed of as hereinafter provided.

Salary of sheriff.

SEC. 3. The said sheriff shall receive a salary of three thousand dollars per annum in lieu of all other compensations whatsoever.

Clerk of superior court and register of deeds to collect fees and turn over to sheriff.

SEC. 4. The clerk of the Superior Court and the register of deeds of said county shall faithfully collect, account for and turn over to the sheriff 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.

SEC. 5. The clerk of the Superior Court shall receive a salary of two thousand and three hundred dollars per annum in lieu of

Salary of register of deeds.

all other compensations whatsoever. The register of deeds shall receive a salary of two thousand dollars per annum in lieu of all other compensations whatsoever.

SEC. 6. The officers hereinbefore mentioned shall faithfully perform all the duties of their several offices imposed upon them by law, and shall receive no other compensation or allowance whatsoever for any extra or additional service rendered to the county or State or other governmental agency, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

SEC. 7. All moneys coming into the hands of the Sheriff of Rockingham County by virtue of this act shall be held by him as a separate and distinct fund, and after paying the salaries and allowances provided for in this act, the balance of said fund shall be applied to the county school fund of Rockingham County.

SEC. 8. The salaries and allowances herein provided for shall be paid by the sheriff of said county, upon warrant as required by law, to the officers in monthly installments: *Provided*, that the allowances may be paid in warrants of irregular size, according to the needs of the various officers, but shall never exceed for the year the amounts herein provided.

SEC. 9. The officers hereinbefore required to turn over to the Sheriff of Rockingham County moneys coming into their hands shall make settlement with said sheriff 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 sheriff under the provisions of this act.

SEC. 10. Any officer or clerk or assistant herein mentioned, who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office, shall be guilty of a misdemeanor.

SEC. 11. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 432.

AN ACT TO MAKE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, EX OFFICIO, A TRUSTEE OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That J. Y. Joyner, State Superintendent of Public Instruction (and each of his successors in office), shall be, *ex officio*, a trustee of the University of North Carolina.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 433.

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 years, except when a different length of time is named herein; said terms to begin the first day of April, one thousand nine hundred and nine, or when their present terms of office expire:

Alamance county.

ALAMANCE COUNTY.

TOWNSHIP.

Graham—James I. White, T. P. Bradshaw.

Newton—W. J. Stockard, E. J. Braxton, J. M. Faust.

Morton—J. H. Gilliam, W. A. Paschall, John W. Garrison, Jefferson D. Wilkins.

• *Patterson*—John M. Coble, R. J. Thompson.

Boon Station—A. G. Faucett.

Faucett—John H. Wilkins, Elijah Long.

Albright—George F. Thompson, H. G. Sharp.

Melville—E. C. Turner.

Pleasant Grove—W. J. Fitch, W. B. Sellars.

Burlington—A. M. Garwood.

Alleghany county.

ALLEGHANY COUNTY.

Gap Civil—C. W. Edwards.

Whitehead—J. W. Evans.

Cranberry—J. J. Miller, Mat. Pruitt, J. M. Blevins.

Cherry Lane—C. W. Smith, Jesse Atwood, T. C. Higgins.

Glade Creek—Floyd Edwards, Troy Carico, W. L. Norman.

Piney Creek—D. F. Persons.

Anson county.

ANSON COUNTY.

Waynesboro—C. S. Redfearn (for two years).

Burnsville—J. D. Hyatt.

Morvin—A. J. Brooks, T. E. Diggs (for two years each).

Gulledge—E. Wall (for two years).

Ashe county.

ASHE COUNTY.

Jefferson—S. T. Sandefer, W. A. Dancey, George F. Bare, W. E. Johnston, F. L. Colvard, Harry Proctor, W. G. Warren.

Obids—Newton Bare, John C. Bowlin, D. C. Miller, E. C. Severt.

Chestnut Hill—J. E. Gambill.

Clifton—F. M. Miller, A. A. Price.

Creston—W. J. McEwen, T. S. Maxwell, James McMillian, Rush Jenkins.

Grassy Creek—J. A. Pierce, J. C. Pasley, J. M. Sawers.

Hilton—I. R. Young, James Perkins, David Dixon.

Horse Creek—Sidney Tucker, J. D. Stansbury, J. J. Lyalls, Luther Rose.

Laurel—J. A. Martin, Elihu Graybeal, H. L. Williams, D. J. Patrick, A. W. Long.

North Fork—Martin Shoal, James Southerland.

Old Fields—W. A. Houck, S. E. Duncan, J. W. Denson, W. F. Goodman.

Peak Creek—W. L. Miller, J. D. Bare, J. F. Johnston, M. V. Hoppers.

Pine Swamp—J. F. Hartgog, L. L. Vannoy, J. R. Johnston.

Piney Creek—H. C. Tucker, Jonathan Perry, W. J. Roberts, Henderson Eller.

Walnut Hill—T. J. Price, David Jones.

BEAUFORT COUNTY.

Beaufort county.

Long Acre—M. H. Cutler, L. M. Shepherd, James H. Bradley, King Gurganis, Henry C. Boyd.

Bath—John H. Oden, Thomas Webster, T. B. Clayton, T. M. Midgette, T. L. Jackson, W. C. Kinion.

Richland—J. M. Messick, N. W. Potter, Absalom Tuton, B. B. Thompson, C. R. Flowers (for two years), J. M. Litchfield (two years).

Washington—J. Hyman Woollard, O. B. Wynne, Charles T. Hardison, W. B. Windley.

Chocowinity—W. A. Cratch (for four years).

BERTIE COUNTY.

Bertie county.

Windsor—E. L. Smith, J. H. White, W. D. White, W. T. Heckstall, Thomas Gilliam, A. C. Mitchell, Kenneth Sallinges.

Merry Hill—George W. Capehart, T. A. Smithwick, John F. Keeler, R. J. Shields.

White's—W. T. Brown, J. H. Lawrence.

Colerain—J. B. Mitchell, W. J. Northcott, Josiah Brown, W. S. Taylor, J. W. Rayner.

Roxobel—W. J. Watson, C. C. Tyler, P. C. Brittel.

Mitchell—J. Lawrence Harrington, Thomas P. Hale, Moses R. Barnes.

Snake Bite—Starkey E. Casper.

Woodville—J. T. Veal, J. B. Saunders.

Indian Wood—Charles Bond.

BLADEN COUNTY.

Bladen county.

Elizabethtown—H. H. Barnhill, R. B. Cromartie, L. J. Hall (for two years).

Bethel—O. G. Parker, John M. Pait, D. L. Roberts, John Cheshire, Murray Guyton, W. F. Devane (for two years).

White's Creek—D. T. Perry, H. P. Clark, J. E. Elkins.
Turnbull—B. F. Tatom.
French's Creek—L. C. Boswell.
Carver's Creek—J. D. Devane, L. E. Squires, Pym Remington,
 J. F. Council.
Lake Creek—W. I. Shaw, N. M. Beatty, W. C. Johnston.
White Oak—J. C. Bullard.
Central—J. B. West, J. W. McDuffie.

Brunswick
county.

BRUNSWICK COUNTY.

Shallotte—L. N. Benton, S. J. Gore (two years), W. L. Russ,
 E. B. Hewett, John W. Millikin, Benjamin K. Gore.
Northwest—Thomas Jones.
Waccamaw—L. E. Formyduval.
Lockwood's Folly—G. W. Sellars.
Town Creek—W. D. Lewis, E. Z. Rabon.

Burke county.

BURKE COUNTY.

Upper Creek—John Barrier, G. Anderson Lovin.
Upper Fork—J. P. Bungarner, W. A. Cook.
Icard—M. D. Earney.
Lower Fork—C. M. Hoyle, J. W. Mosteller, P. F. Buff.
Lower Creek—W. J. Arney, John Roderick.
Morganton—Hamilton Erwin.

Buncombe
county.

BUNCOMBE COUNTY.

Asheville—A. L. Bright, George W. Fairchild, Askew F. Shook,
 Emory Merriman.
Upper Hominy—A. Z. Wright, J. C. Byrd, P. P. Morgan.
Lower Hominy—J. W. Rutherford, T. P. Gaston.
Flat Creek—W. C. Eller, L. W. Roberts.
Big Ivy—Jeff Garrison, Lee Arwood.
French Broad—Jesse Gwaltney, F. W. Garrison.
Leicester—T. M. Rymer, B. L. Lyda.
Limestone—Noah Frady, W. W. Nettles.
Fairview—Jeff Potillo, Ben Merrell.
Swamanoa—Marion Roberts, Robert Young, J. C. M. Valentine.
Black Mountain—Jim Thomas, Bart Burnett.

Cabarrus county.

CABARRUS COUNTY.

Number One—John A. Barnhardt, J. W. Stallings.
Number Two—John F. Oehler, John J. Cox.
Number Four—E. L. Senhour.
Number Five—P. M. Meisenheimer.
Number Nine—W. P. Widenhouse, John L. Barnhardt.

CALDWELL COUNTY.

Caldwell county.

Wilson Creek—S. T. Jackson, W. P. Tuttle (six years).*Lenoir*—W. S. Miller, J. A. Bush, W. L. Swanson (two years),
Bristol Hood (two years).*Hudson*—W. H. H. Hartley (two years), M. A. Williamus, J. S.
Hart, J. P. Herman.*North Catawba*—Richard Bush.*Lovelady*—George W. Sherrill.*Globe*—Vernon Gragg.*Little River*—John M. Downs.

CAMDEN COUNTY.

Camden county.

South Mills—J. L. Foster.*Shiloh*—J. C. Barker, J. E. Cooke.*Camden*—T. B. Bushell.

CARTERET COUNTY.

Carteret county.

White Oak—W. L. Taylor, E. A. Saunders, Thomas Smith.*Newport*—Daniel Simmons, A. H. Taylor, Nelson S. Bell, Gar-
rison M. Mann, J. R. Bell, D. W. Sabiston.*Morehead*—D. J. Hall.*Davis*—Hamlin H. Davis.

CASWELL COUNTY.

Caswell county.

Anderson—J. R. Burton, P. E. Harrelson.*Dan River*—T. S. Harrison, J. F. White, D. Y. Mebane, G. S.
Johnson, Sam Farmer.*Leasburg*—R. P. Smith, B. F. Stanfield, A. York, C. B. Compton.*Locust Hill*—J. B. Worsham.*Pelham*—W. H. Gatewood, O. R. Hinton, J. W. Travis, J. T.
McGee.*Yanceyville*—N. C. Brandon, W. B. Lyon, B. F. Hurdle.*Stony Creek*—W. J. Stadler, T. C. Neal.*Milton*—T. A. Winstead.

CATAWBA COUNTY.

Catawba county.

Hickory—Samuel E. Killian, W. F. Bruus, N. A. Whitener, Jonas
P. Seitz.*Catawba*—Albert L. Erwin, Alonzo P. Little.

CHATHAM COUNTY.

Chatham county.

New Hope—N. J. Wilson, Robert J. Yates.*Cape Fear*—J. D. McIver.*Bear Creek*—B. A. Phillips.*Oakland*—A. C. Brown.*Hickory Mountain*—J. M. Keck.*Hadley*—S. S. Jones, Thomas S. Perry, S. P. Teague, Jr.

Cherokee county.

CHEROKEE COUNTY.

Murphy—P. E. Nelson, W. E. Ferguson, M. L. Mauney, J. S. Keener, B. K. Hall, Jr., S. W. Davidson.

Beaver Dam—M. A. Hembry, J. M. Martin, G. J. Crow, Whitcombe James.

Shoal Creek—R. R. Postell, E. A. Hood, James Cunningham, Aaron Bryan, A. G. Sparks.

Hot House—I. M. Gattis, John M. Newman, S. W. Lefever.

Notta—E. R. Barber, James Walker, A. H. Davidson, A. M. Hatchett, W. B. Dickey.

Valleytown—C. W. Savage, T. J. Christie, Z. L. Whitaker, H. M. Whitaker, S. E. Bryson, Craig Phillips, C. T. Sisk, Robert Piercy, J. W. Brown, Arthur Moulton, J. A. Parker, Robert Kapehart, Thomas E. Ladd, D. S. Russell, W. R. Lunsford.

Cleveland county.

CLEVELAND COUNTY.

Number One—J. A. McCraw, L. B. Scruggs, S. R. Humphreys (for two years each).

Number Two—Marvin Blanton, Osburn W. Holland, B. B. Harris.

Number Five—J. Y. Hord, Clarence Plonk (for two years each).

Number Six—W. J. Roberts (for two years).

Number Eight—P. S. Gettys.

Number Eleven—George W. Peeler (for two years).

Columbus county.

COLUMBUS COUNTY.

Whiteville—J. C. Hooks, E. A. Maulsby.

Western Prong—J. T. Wooten, W. D. Wooten, G. F. Smith.

Ransom—Bartemus F. Applewhite, Lorenzo R. Hobbs.

Williams—S. P. Ward.

Fair Bluff—William Strickland.

Chadbourn—Daniel Buaghner.

Tatom's—D. S. Benson.

Bolton—J. D. Strauss, A. T. Clark, Dr. S. A. Smith, I. K. Clervis, Crandall Brown.

Craven county.

CRAVEN COUNTY.

Number One—J. A. Aldridge, J. J. Dixon.

Number Two—N. M. Farrow.

Number Three—O. H. Wetherington, Luby S. Harper, A. S. Dixon, C. C. Holland.

Number Seven—Joe D. Williams.

Number Eight—A. T. Wetherington, L. S. Wood, S. R. Ball, W. F. Hill, S. H. Fowler, Daniel Shine Jones.

Cumberland county.

CUMBERLAND COUNTY.

Rockfish—John (Roslin) Smith.

Black River—E. J. Godwin, J. N. McIntyre, George W. Starling.

Pierce Mill—L. A. Williamson, J. J. Maloney, D. H. McMillan, S. S. Arey.

Cross Creek—John W. Underwood, J. W. Atkinson, M. McL. Matthews, W. C. Holland, E. E. Gorham, R. H. Buckingham.

Gray's Creek—F. A. Marsh.

Cedar Creek—C. H. Cogdell.

Flea Hill—John C. Williams, J. R. Bowden.

CURRITUCK COUNTY.

Currituck county.

Crawford—J. L. DeCormis, A. D. Sawyer, L. Walker (six years).

DARE COUNTY.

Dare county.

Ocracoke—Horatio Williams.

Nag's Head—W. S. Davis, J. W. Ward.

East Lake—Charles L. Mann.

Kennekeet—F. L. Scarborough.

DAVIDSON COUNTY.

Davidson county.

Lexington—James F. Hedrick, James Adderton, Curran P. Craver.

Cotton Grove—O. Lee Stoner, George Smith, John L. Miller.

Abbott's Creek—Joseph Yokley, C. A. Stone, Charles Hedgecock, C. H. Teague, M. D. Raper, J. J. Idol, C. A. Spurgin.

Reedy Creek—John D. Hill, William L. Gobble, Junius C. Link, W. F. Williams, J. D. Huffman, Robert Warner, John S. DeLap.

Healing Springs—W. P. Kinney.

Hampton—James L. Nelson, Ephraim D. Brewer, W. B. Hampton.

Conrad Hill—John H. Crotts.

Emmons—U. E. Sexton, Walter Cochraham, B. F. Lanier, David A. Leach, A. Sam Miller, A. E. Ward, James L. Lanier.

Silver Hill—John L. Nance, George W. Hedrick.

Jackson Hill—George I. J. Elliott, R. M. Stokes.

Thomasville—J. R. Keen, C. W. Burton, J. R. Stone.

Tyro—D. C. Craver, W. J. Giles.

DAVIE COUNTY.

Davie county.

Callahan—T. M. Anderson, N. S. Gaither.

Clarksville—A. H. McMahan, Frank B. Hendricks.

Farmington—E. C. Smith, D. F. Taylor.

Fulton—L. A. Crouse, W. F. Merrill.

Jerusalem—John M. Blount, P. S. Stewart, James H. Coley.

Mocksville—E. E. Hunt, W. C. Denny.

Shady Grove—H. T. Smithdeal, J. C. Smith.

DUPLIN COUNTY.

Duplin county.

Rose Hill—Robert Williams, E. A. Benton, I. P. J. Alderman.

Faison—J. A. Shimes, Faison Hicks, S. A. Bowden, J. S. Sellars.

Limestone—Thomas J. Smith.

Durham county.

DURHAM COUNTY.

Oak Grove—A. M. Sorrell, James D. Fletcher (for four years each).

Edgecombe county.

EDGECOMBE COUNTY.

Number Six—W. H. Cobb.

Number Seven—W. W. Vick (for four years).

Number Eight—B. F. Eagles.

Number Eleven—R. M. Brown (for four years).

Forsyth county.

FORSYTH COUNTY.

Abbott's Creek—J. H. Stafford.

Belew's Creek—J. W. Fare.

Bethania—J. G. Clayton.

Broad Bay—C. A. Clodfelter.

Kernersville—Thomas A. Wilson, D. W. Harmon, Frank Dean.

Old Richmond—Jesse E. Speas, J. F. Dowd, W. A. Spainhour.

Old Town—C. H. Hauser.

South Fork—James A. Alspaugh.

Gaston county.

GASTON COUNTY.

Cherryville—A. F. Henry, A. H. Huss, R. R. Mauney, Larkin Carpenter.

River Bend—E. O. Davis, Jacob Jenkins.

Crowder's Mountain—O. G. Falls, J. T. R. Dameron, J. H. Wilkins, C. A. Thornburg.

Gastonia—James R. Dellinger.

Gates county.

GATES COUNTY.

Hall—K. R. Carter.

Haslett's—W. M. Mathews.

Gatesville—S. J. Hayes.

Graham county.

GRAHAM COUNTY.

Syicoah—P. G. Green.

Cheoah—W. H. Eller.

Yellow Creek—R. L. Wilson.

Granville county.

GRANVILLE COUNTY.

Oxford—Thomas D. Waller, S. V. Ellis.

Brassfield—Charles N. Floyd.

Fishing Creek—D. H. Currin.

Tally Ho—John P. Canady, W. S. Gooch.

Sassafras Fork—W. B. Royster.

Salem—N. G. Crews.

Oak Hill—J. W. Wilborn.

Dutchville—S. A. Fleming.

GUILFORD COUNTY.

Guilford county.

Washington—W. P. Heath, C. M. Zimmerman, C. L. Sockwell.*Greene*—W. A. Staley, George M. Amick.*Summer*—R. C. Short.*Friendship*—Dr. A. T. Millis, M. L. Kendall.*Bruce*—R. V. Harris, T. A. Wilson, John C. Bunch.*Clay*—Joseph C. Kennett, L. Vance Garrett, Ed. T. Coble.*Jamestown*—J. Lee Coltrain, J. A. Gray, J. H. Smith.*High Point*—A. J. Dodmead, J. M. Sechrest.*Morehead*—Sam Browe.*Gilmer*—R. W. Murray, D. H. Collins.

HALIFAX COUNTY.

Halifax county.

Brinkleyville—W. H. Hayes, H. S. Quarles, George L. Knight, G. S. Sledge, John C. Cushwa.*Enfield*—J. W. Pitman, T. S. Pettitt (for four years), J. L. Barnes (for four years), Balfour Dunn (for four years), F. L. Pitts (for four years), Simon Meyer (for four years), John Bleavins (for four years), R. B. Britt (for four years), S. G. Whitfield, John J. Robertson.*Weldon*—John E. Branch (for four years), E. L. Green (for four years).*Scotland Neck*—Isaac H. Smith.*Roseneath*—Moses Strickland, Collin Allsbrook.*Butterwood*—C. N. Hamell, J. R. Liles, W. E. Nicholson.*Halifax*—R. W. Carter, M. A. Clark, L. A. Mullen (for two years).*Littleton*—M. J. Morriss.*Faucett's*—T. J. Barnes, W. H. Hux, D. T. Cook.

HARNETT COUNTY.

Harnett county.

Anderson Creek—D. P. Ray, Niven Ray, John S. Johnson.*Averasboro*—V. L. Stephenson, J. V. Barefoot, H. C. McNeill, J. R. Godwin, John D. Phillips, J. F. Phillips.*Barbecue*—A. D. Waddell, T. W. Harrington.*Black River*—J. A. Hockaday, W. H. Gregory, J. W. Flowers.*Buck Horn*—John G. Johnson, J. D. Champion, T. P. Lanier, J. A. Champion.*Duke*—C. H. Adams, C. J. Smith (for two years each).*Grove*—J. A. Stewart, G. W. Whittington, C. D. Stewart, J. A. Turlington, D. A. Holland.

HAYWOOD COUNTY.

Haywood county.

Clyde—D. H. Byers, A. G. Osburn, W. H. Tarrell (for two years).*Ivy Hill*—J. A. Low.

Henderson
county.

HENDERSON COUNTY.

- Blue Ridge*—D. N. Wells, S. M. Gilliam.
Clear Creek—J. S. Hart, Robert Harper.
Crab Creek—W. A. Mason.
Edenville—A. S. Edney, A. L. Maxwell, W. F. Pryor, G. P. Edney,
 R. E. L. Freeman.
Green River—R. B. Ward, A. A. McDowell, S. J. Heatherly.
Hendersonville—B. Dalton, J. A. Bryson, J. R. Wilkie, J. P. Pat-
 ton, R. M. Oates, J. W. Wofford.
Hooper's Creek—Frank Smith, W. F. Byers, John P. Wilkie.
Mills River—T. E. Osburn, J. H. Murray.

Hertford county.

HERTFORD COUNTY.

- Murfreesboro*—Isaac Pipkin, L. T. Garris, T. M. Forbes.
Mauney's Neck—L. F. Lee, R. A. Majette, E. T. Darden.
St. John's—A. J. Vinson, John Freeman, Geno Jenkins, A. P.
 Joyner.
Harrellsville—David Bazemore, W. E. Miller, C. M. Cullins.
Ahoskie—R. J. Baker, J. J. Askew, J. R. Garrett.

Hyde county.

HYDE COUNTY.

- Lake Landing*—Edward Adams, E. H. Jones, T. R. Benson,
 George I. Watson.
Currituck—Z. T. Fortisque, H. R. Russell, A. R. Davenport,
 M. G. Williams.
Fairfield—Linwood Williams, L. L. Swindell.
Ocracoke—Horatio Williams, M. L. Piland.

Iredell county.

IREDELL COUNTY.

- New Hope*—J. I. Jolly.
Union Grove—Z. R. Tharpe, J. P. Howard, J. W. Vanhoy.
Eagle Mill—T. G. Wallace, E. E. Smith.
Olin—J. W. Vanstory.
Turnersburg—F. B. Gaither.
Chambersburg—G. W. McNeely.
Fallstown—W. J. Morrison.
Sharpsburg—S. E. Johnson.

Jackson county.

JACKSON COUNTY.

- Dillsboro*—M. Y. Jarrett.
Cullowhee—Wilson L. Henson.
Mountain—M. L. Coggins.
Webster—Roy F. Leatherwood.

Johnston county.

JOHNSTON COUNTY.

- O'Neal's*—J. L. Jones, J. C. Hood.
Wilder's—W. M. Estridge.
Beulah—R. H. Alford (for four years).

JONES COUNTY.

Jones county.

- Cypress Creek*—Joe Brown (for two years).
Chinquepin—Lake Dillahunt, Stephen Hill.
Trenton—Lon Taylor, S. H. Haywood.
White Oak—Clyde Mattock, A. N. Humphrey (for two years).
Pollocksville—George W. White.
Tuekahoe—W. B. Dale.

LENOIR COUNTY.

Lenoir county.

- Kinston*—J. G. Cox, H. C. V. Peebles (two years).
Pink Hill—J. N. Jones (two years).
Woodington—Millard Davenport (two years), E. H. Waller, Clarence Humphrey (two years).
Falling Creek—B. F. Hughes (two years).
Kinston—John E. Quinerly (two years), W. L. Holderby (two years).

LEE COUNTY.

Lee county.

- Cape Fear*—A. N. Yarborough, James A. Marks.
East Sanford—T. A. Yarborough, W. D. Oliver.
Pocket—O. D. Palmer.
West Sanford—J. L. Tyson, A. W. Wicker.
Deep River—E. M. O'Connell.

LINCOLN COUNTY.

Lincoln county.

- Catawba Springs*—J. N. Nixon, R. H. Ballard, A. A. Keever.
Ironton—R. F. Goodson, J. P. Munday, S. J. Shrum.
Lincolnton—S. W. McKee.
Howard's Creek—A. S. Coon, E. I. Mosteller, W. M. Sain, W. W. Noland, M. M. Lutz.
North Brook—J. C. Beam, J. K. Wilson, D. J. Beam.

MACON COUNTY.

Macon county.

- Highlands*—T. Baxter White.
Franklin—Robert Stamey.
Cowee—M. J. Mashburn.

MADISON COUNTY.

Madison county.

- Number One*—Barnett Fortner (for two years).
Number Two—J. W. Crow (for two years), W. B. Banks (for two years).
Number Four—J. M. Dewees, J. M. Hensley (for two years).
Number Six—Will Carver (for two years).
Number Eight—J. F. Askew (for two years), S. L. Plemmons (for two years).
Number Nine—V. H. Reynolds, J. M. Waddell, Vernon Church (for two years each).
Number Eleven—H. D. Waldrup (for two years).

Number Twelve—S. C. Worley, John Roberts (for two years each).

Number Thirteen—E. A. Russell.

Number Fourteen—W. R. Sams, J. E. Ramsey (for two years each).

Martin county.

MARTIN COUNTY.

Jamesville—J. O. Smith, C. A. Askew, John E. Ridick.

Robersonville—S. M. Brooks.

Goose Nest—H. C. Harrington.

Hamilton—George F. Roberson.

McDowell county.

MCDOWELL COUNTY.

Brackett's—P. D. Nannly, M. P. Flack, W. C. Baburn.

Marion—C. F. Meacham (for two years).

Mecklenburg county.

MECKLENBURG COUNTY.

Steele Creek—John L. Millwee.

Charlotte—W. H. Hall.

Crab Orchard—I. Grier Wallace.

Paw Creek—N. A. Cathey.

Morning Star—W. S. Paxton, William L. Hood, S. B. Smith.

Pineville—R. B. Johnston.

Lemley's—J. T. Cashion, M. M. Blythe.

Clear Creek—W. H. Beaver, J. A. Helms.

Mitchell county.

MITCHELL COUNTY.

Upper Hollow Poplar—Samuel C. Bradshaw.

Grassy Creek—C. A. Peterson.

Montgomery county.

MONTGOMERY COUNTY.

Troy—Arthur Deaton, Ed. McNeill, N. F. Monroe.

Pee Dee—George Usery.

Mt. Gilead—Marvin Bruton, L. A. Roberts.

Little River—E. M. Tyson, B. B. Martin.

Ucharrie—Charlie Vickers.

Hill—Neill W. Maness.

Ophir—W. L. Thayer.

Cheek's Creek—Bethel Kearns.

Moore county.

MOORE COUNTY.

McNeill's—Daniel McNeill, C. W. Shaw, T. D. McLean.

Sand Hill—L. S. Packard, John Campbell, F. H. Weaver.

Mineral Springs—I. H. Coddell.

Ritter's—N. I. Finnison, W. L. Ritter, J. C. Caviness, H. A. Keith.

Bensolam—J. M. Deaton.

Carthage—H. A. Foote, John A. Fry.

Sheffield—J. W. Moore, C. C. Hunsucker.

Greenwood—A. J. Keith.

NASH COUNTY.

Nash county.

-—Isaac F. Hight (for two years).
Red Oak—W. H. Faulkner, Charles L. Moss, J. A. Beal, W. H. Jones (for two years).
Stony Creek—W. D. Boseman (for four years).
North Whitaker's—William S. Baker (for two years).

NEW HANOVER COUNTY.

New Hanover county.

- Wilmington*—John J. Fowler, George Harriss, Fred T. Skipper.
Federal Point—Hans A. Kure.

NORTHAMPTON COUNTY.

Northampton county.

- Rich Square*—C. G. Connor, Albert Vann, W. E. Spivey, Cecil W. Harrell, Isaac Carter, J. P. Smith.
Kirby—W. T. Bridges, W. J. Beale, J. O. Flythe, C. T. Parker, C. R. Revell, W. H. Pruden, K. R. Madry, D. N. Stephenson.
Roanoke—James R. Baughom, P. T. Hicks, F. C. Brewer, J. H. Wood, C. R. Harrell, W. C. Spivey, W. W. Draper, J. M. Grant.
Occoneechee—James E. Capel, George E. Ransom, W. H. Stephenson, John H. Fitzhugh, Robert L. Reese.
Pleasant Hill—W. I. Daniel.
Jackson—R. W. Fleetwood.
Gaston—E. S. Rooke, T. P. High, Benjamin W. Vincent.
Seaboard—J. E. Woodroof, C. P. Stephenson, W. T. Norvelle.
Wicaconee—J. H. DeBerry, L. L. Taylor, John G. Patterson, H. P. M. Garriss, A. B. Spivey, J. G. Stancell.

ONSLow COUNTY.

Onslow county.

- Richland*—S. B. Taylor, Frank D. Shaw, Amos H. Huffman.
Jacksonville—H. C. Canady.
White Oak—W. A. Eubanks.

ORANGE COUNTY.

Orange county.

- Hillsboro*—C. H. Robertson.
Bingham—Ed. N. Cates.
Chapel Hill—W. J. A. Cheek.

PAMLICO COUNTY.

Pamlico county.

- Number One*—N. G. Brinson, William A. Banks, John L. Harrison.
Number Two—Edward S. Broughton, Sr.
Number Three—R. M. Tingle, J. T. Dowson.
Number Four—J. D. Saddler, Walter Hamilton.

PASQUOTANK COUNTY.

Pasquotank county.

- Mount Hermon*—Charles Munden (for four years).

Pender county.

PENDER COUNTY.

Columbia—H. M. Page.

Grady—John H. Brinson, N. R. Croom.

Perquimans county.

PERQUIMANS COUNTY.

Belvidere—E. G. Simpson.

Parkville—Thomas J. Nixon.

Hertford—T. S. White, J. P. Winslow, J. T. Brinn.

Bethel—T. J. Long.

New Hope—B. F. Humphreys.

Person county.

PERSON COUNTY.

Allensville—J. Q. Yarborough, J. E. Montague, R. B. Beasley, Solomon O'Briant, C. T. Pool.

Bushy Fork—C. W. Bradsher, Q. E. Morton, J. H. Newton.

Cunningham—J. M. Jones, P. H. Clay, G. L. Cunningham, J. R. Long.

Olive Hill—W. H. Moore, T. C. Wagstaff, W. C. Woody.

Mt. Tirzah—J. W. Cash, J. L. Noell, W. F. Reade.

Flat River—James T. Cates, George Jones, James T. Noell, Tobe Satterfield.

Woodsdale—John S. Cunningham, W. H. Hall, G. B. Williams.

Holloway—George E. Woody, John Montague, G. D. Neal, O. D. Bailey, W. D. Gregory.

Roxboro—W. D. Yarborough, J. W. Younger, J. S. Clayton.

Pitt county.

PITT COUNTY.

Chicod—B. J. Skinner (for two years).

Polk county.

POLK COUNTY.

J. W. Powell, J. R. Williams, T. M. Ross, W. C. Hague, Andrew Jackson, W. C. Ward, W. O. Henderson, R. A. Leonard, John W. Edwards, W. B. Feagaus, W. W. Coward, C. D. Elliott, R. D. Gilbert, Martin Thompson, G. L. Taylor, William Ledbetter, N. D. Moore, J. M. Butler, T. C. Mills.

Randolph county.

RANDOLPH COUNTY.

Franklinville—Clarence Parks, J. F. Brower, J. F. Lane.

Trinity—J. D. Brame, T. S. Bouldin.

New Market—R. L. Causey, R. L. White.

Providence—W. R. Julian, Nathaniel Allred.

Tabernacle—David Thomas, R. J. Pierce.

Black Creek—J. A. Neighbors, C. L. Robin, A. C. Farlow.

Concord—J. H. Kearns.

Cedar Grove—E. Whatley, John Rush.

Grant—A. S. Pugh, P. F. Spoon, Monroe Cox.

Coleridge—T. J. Green, J. M. Caviness, J. T. Lambert, T. S. Graves.

Randleman—J. A. Withers, W. T. Bryant.

New Hope—William T. Carter.

Union—J. D. Welch.

Brower—B. F. Brown.

Asheboro—W. D. Spoon, N. M. Lowe, H. C. Moffitt.

RICHMOND COUNTY.

Richmond county.

Mark's Creek—G. W. Rooker, W. A. Wilkes, C. B. Millikin, R. A. Lackey (for four years each).

Beaver Dam—J. W. Butler, James L. McDonald, J. H. Webb (for four years each).

Rockingham—A. J. Harrington, W. B. McKenzie, W. F. Long, George M. Rainwater (for four years each).

Black Jack—C. H. Key, R. L. Hinson, J. F. Capel (for four years each).

Wolf Pit—John E. Shaw, R. L. Ussery (for four years each).

Mineral Spring—P. O'Brien, D. C. McRae (for four years each).

Steel's—C. C. Capel (for four years).

ROBESON COUNTY.

Robeson county.

Blue Springs—Thomas H. Tyson, George T. Watson, L. D. Warner.

Red Springs—Charles C. Purcell.

Sterling—J. G. Lewis.

Alfordsville—J. L. Monroe.

Lumberton—J. A. McAlister, Lester B. Townsend, A. P. Caldwell, J. A. Rowland.

Thompson—A. T. McKellar.

Wishart's—E. R. Phillips, J. T. Phillips, J. Pink Smith, A. E. Israel.

Howellsville—J. A. Townsend, N. C. Graham, Isham Kinlaw.

St. Paul's—G. T. Fisher, William S. Johnson, Marcus Smith.

Black Swamp—Z. R. Prevatt.

Marton—J. S. McRae.

ROCKINGHAM COUNTY.

Rockingham county.

New Bethel—T. B. Wilson, W. I. Witty.

Huntsville—W. R. Gentry, J. Mart Lindsay, D. A. Walker.

Williamsburg—George T. Davis.

Moyfield—A. N. Atkinson.

Leaksville—J. H. Lane, J. S. Hopper, E. E. Emerson, Frederick Brantley, Jr.

ROWAN COUNTY.

Rowan county.

Unity—N. N. Fleming, T. V. Terrell.

Morgan—Joseph A. Miller.

Providence—George M. Barringer.
Litaker—J. J. Shupping.
Salisbury—J. O. White.
China Grove—H. O. Archey, Stephen Ketchie.

Rutherford
 county.

RUTHERFORD COUNTY.

Logan Store—W. G. Grayson, W. N. S. Rollins, L. L. Long, R. P. Ensley, I. P. Guffey.
Chimney Rock—Frank Reynolds, Paul F. Searcey.
Green Hill—A. P. Hill, J. W. Elliott.
Union—W. W. Gray, James M. Owen.
Duncan's Creek—W. L. Toms.
Golden Valley—A. S. Rollins, S. B. Harris, J. Y. Yelton.
Camp Creek—J. D. Morris, J. L. Barnes, W. G. Flack.
Gilkey—G. M. Flack, W. F. Doggett.
Sulphur Springs—J. C. Roach, J. W. Hill, George Huntley.
Rutherfordton—Lee Hampton.
Colfax—Jackson Blanton.

Sampson county.

SAMPSON COUNTY.

Mingo—E. R. Wilson.
Dismal—L. C. Spell.
Piny Grove—J. R. Sutton.

Scotland county.

SCOTLAND COUNTY.

Laurel Hill—D. Stewart (for four years), J. H. Lee (for four years), S. A. Sneed (for two years), C. C. Sneed (for two years), L. P. Gibson, R. N. Monroe.
Spring Hill—E. F. Murray (for two years), J. M. McLean (for two years), W. J. Matthews (for four years), Neill McKoy (for four years), A. E. Shaw, A. J. Connelly.
Williamson—J. A. McNeill (for two years), W. N. McKenzie (for two years), W. Z. Gibson (for four years), W. R. Johuson (for four years), W. H. Farmer, F. L. Rachael.
Stewartsville—J. W. Jernegan (for two years), S. W. Covington (for four years), F. L. Bundy (for four years), R. L. Hammond (for two years), J. S. Thompson (for four years), A. M. McKinnon, Ed. Jones.

Stanly county.

STANLY COUNTY.

Albemarle—J. E. Ewing (for two years), W. K. Littleton (for two years), J. S. Miller (for two years).
Center—James W. Smith (for two years), S. J. Lentz (for two years), T. P. Snuggs (for two years).
Almond—L. H. Bost, James F. Mason.
Furr—R. W. Simpson, R. N. Furr.
Big Lick—D. E. Eflord, E. R. Whitley.
Tyson—R. W. Thompson.

STOKES COUNTY.

Stokes county.

Danbury—N. A. Martin, R. W. Hill.*Sauratown*—P. H. Linville, A. S. Mitchell, E. A. Rothrock.*Meadowtown*—J. N. Young, L. M. McKenzie, A. H. Rutledge.
J. M. Redding.*Yadkin*—J. P. Covington, W. A. Sullivan, J. T. Johnson, J. S. D.
Pullian, D. F. Tillotson.*Quaker Gap*—J. D. George, R. E. Smith, B. H. Boyles, W. M.
Covington.*Peter's Creek*—E. C. Shepherd, James Moore (or F. L. Moore),
R. L. Lawson, J. A. Lawson.*Snow Creek*—L. A. Amos, C. Walter Hankins, D. S. R. Martin.*Beaver Island*—J. Wilson Mitchell, L. W. Blackwell.

SURRY COUNTY.

Surry county.

Mt. Airy—Thomas B. McCargo, N. P. Short, Samuel Pace, A. W.
Dean, James A. Deatherage, P. S. Rothrock, E. F. McKinney.
R. M. Wray, E. C. Shelton, G. M. Sparger, John A. Cox.*Westfield*—Rufus K. Simmons, J. W. Jessup, S. L. Arrington.
Caleb Cook.*Rockford*—T. E. Snow, B. D. Vaughan.*Shoals*—T. P. Hauser.*Marsh*—J. D. Key, H. E. Beamer.*Bryan*—J. M. Cockerham, Newton McCann.*Franklin*—I. F. Armfield, James Bartley.*Stewart's Creek*—Mint Brinkley.*Dobson*—John H. Poindexter, R. S. Folger, A. H. Freeman, G. M.
Jervis.*Eldora*—C. L. Badgett, G. T. Jones.

SWAIN COUNTY.

Swain county.

Nantahala—John T. Cunningham, John T. Welch.

TRANSYLVANIA COUNTY.

Transylvania
county.*Gloster*—Joseph M. Galloway, Joseph House.*Dunn's Rock*—Edwards Batson, John C. Bagwell.*Boyd*—T. R. Duncan, Leander Ledbetter.

TYRRELL COUNTY.

Tyrrell county.

Columbia—W. N. Norman, C. T. Godwin, J. B. Cahoon, Jerry
Brickhouse.*Gum Neck*—Dallas Cahoon, W. S. Sikes.*Scuppernong*—W. W. Sawyer, Samuel L. Harris.*South Fork*—T. C. Patrick, J. D. Phelps.

UNION COUNTY.

Union county.

Sandy Ridge—J. I. Harkey, H. L. Price, S. W. Stewart, George
McManus.

Jackson—Henry McWhirter, R. T. Listare, J. E. Bigham, J. B. Godfrey, James T. Steele, W. P. Neely.

Buford—L. A. Helms, T. C. Eubanks, Sidney Broom, Phillip Whitley, Jr., E. Reese Barnes, W. P. Pylar.

Lane's Creek—James Sturdivant.

Marshville—James A. Marsh, Fred. Ashcraft.

New Salem—Lafayette Staton, Joseph Carraway, P. J. C. Efird, William Smith, E. B. Purser, M. C. Austin, James A. Austin.

Goose Creek—W. P. Robinson, J. C. Helms, J. T. Helms, E. E. Presson, A. W. McManus, George A. Long, R. W. Scott.

Vance—Dan Austin, Joseph Rodgers, M. T. Stallings, P. C. Stinson, J. I. Orr, Frank Keziah, James Benton.

Monroe—Stanley Polk, T. J. W. Broom.

Vance county.

VANCE COUNTY.

Williamsboro—R. A. Bullock, N. G. Knott.

Townsville—J. M. B. Hunt, J. E. Kimball, J. S. Royster.

Henderson—W. E. Gary, Frank Wortham, T. L. Jones.

Middleburg—Edwin L. Fleming.

Dabney—L. W. Burroughs, J. B. Glover.

Nutbush—C. M. White, George W. White.

Sandy Creek—J. N. Temstall, S. W. Duke.

Kittrell—C. H. Williams, H. M. Hight, J. B. Allen, J. L. Stone.

Wake county.

WAKE COUNTY.

Raleigh—W. M. Utley, E. M. Bledsoe, T. A. Arnold, S. L. Rotter, J. B. Danelly.

Middle Creek—T. R. Harrison, R. P. Stuart, A. F. Smith.

Neuse River—N. W. Hatch, J. B. Wiggins.

White Oak—O. I. Hudson, C. F. Williams.

Holly Springs—W. H. Burt, Joseph R. Carter, J. Sidney Stephens.

Barton's Creek—J. J. Howard, L. L. Brogden, W. A. Pugh.

Wake Forest—J. H. Mitchell.

Swift Creek—A. S. Morgan, David Stephenson, John Stevens.

New Light—W. T. Morton, P. R. Allen, R. N. Griffin.

Mark's Creek—F. M. Ferrall.

Warren county.

WARREN COUNTY.

Warrenton—W. P. Massenburg, E. C. Price.

Haw Tree—C. R. Leete.

Fork—Grant Beardsley.

Smith Creek—J. T. Northcott.

Six pound—J. B. White.

Judkins—D. L. Ryder, W. R. Bennett.

River—Jack Johnston, Willard Northington.

WATAUGA COUNTY.

Watauga county.

Cove Creek—A. P. Glenn (for two years).
Boone—J. W. Bryan, C. J. Cottrell (for two years each).
Watauga—J. W. Holsclaw, W. H. Mast (for two years each).
Laurel Creek—G. H. Rowe (for two years).
Bald Mountain—Thomas Greer (for two years).
North Fork—J. M. South (for two years).
Blowing Rock—W. T. Vandyke (for two years).
Meat Camp—Nathan Winborger (for two years).
Elk—George W. Carroll, Jr. (for two years).
Shaurnehauc—William Bass (for two years).

WAYNE COUNTY.

Wayne county.

Brogden—W. F. English.
Buck Swamp—E. S. Dees, W. R. Dees, G. F. Peele.
Goldsboro—N. B. Outlaw, E. W. Cox.
Nahunta—W. A. Martin, T. C. Hill, M. E. Britt, J. H. Best.
Stony Creek—O. F. Worrell (for two years), B. T. Person (for two years).
Pikeville—Keda Smith.
Saulston—J. B. Newcomb.

WILKES COUNTY.

Wilkes county.

Antioch—J. F. Mastin, W. B. Harris, I. T. Mathis.
Boomer—J. M. McGlammetry, W. F. Greer, A. M. Walsh.
Job's Cabin—H. L. Church, H. M. Hamby, H. H. Beshears, J. W. Church, A. G. Beshears, Adolphus McNeill, J. C. Parsons, C. C. Beshears.
Lewis' Fork—L. V. Cardwell.
Lovlace—R. N. Garner.
Mulberry—L. F. Johnson, A. N. Handy, J. F. Hutchinson.
North Wilkesboro—J. S. Forrester, R. L. Church, George R. Reaves (for six years), G. W. Upchurch (for two years).
New Castle—B. C. Armstrong, R. D. Mathis.
Rock Creek—W. W. Harris, J. S. Handy.
Somers—W. C. Myers, J. P. McCarter.
Reddie's River—J. A. Pierce, L. A. Bullis.
Walnut Grove—C. C. Alexander, J. P. Church, W. F. Hall.
Wilkesboro—A. T. Jones, Hazell Berry.
Brushy Mountain—Franklin Moore, E. P. Robinson.
Elk—R. L. Proffitt, B. C. Triplett, K. R. Lunsford.
Union—J. T. Royall.

WILSON COUNTY.

Wilson county.

Wilson—R. W. McFarland, E. A. Darden, P. V. Barefoot, W. R. Bryan, E. S. Toney, Amos Hays, B. P. Finch.
Black Creek—Dred Sauls, L. H. Barnes.

Crossroads—J. S. Hays, Amos Barnes, H. Lamm.
Spring Hill—John W. Watson, Ransom Kirby.
Old Field—A. R. Taylor, A. T. Fulghum, R. H. Boswell, Grover T. Lamm, T. R. Simpson.
Toisnot—G. R. Winstead, J. D. Bryant, J. R. Barkley, J. T. Watson, J. W. Cox.
Gardner's—W. D. Forbis, T. J. Wiggins, John F. Owens.
Stantonsburg—W. L. Shelton, R. M. Whitley, W. J. Petway.
Taylor's—Wiley D. Dew, Bat Thompson, H. T. O'Neal.

Yadkin county.

YADKIN COUNTY.

Boonville—R. L. Spears, James Fleming.
Jonesville—K. M. Thompson, W. J. Swain.
Yadkinville—J. D. Phillips, I. L. Holcombe, John Wiseman.
East Bend—P. L. Kiger, T. A. Poindexter, W. H. Norman.
Williams—G. F. Black, N. T. Bryan.
Huntsville—John Long.
Hamptonville—J. H. Gough.

Yancey county.

YANCEY COUNTY.

Burnsville—A. J. Bennett, D. A. Angel.
Jack's Creek—D. M. Hampton, T. C. Byrd.
Ramseytown—W. M. McIntosh.
Cain River—S. L. English, E. J. Angel, Glen Proffitt.
Green Mountain—W. M. English, I. A. McIntuall, S. P. Huskins.
Crabtree—J. A. Gouge, J. D. Hughes.
South Toe—John Wilson, James P. Westall, Arthur Patton, James Hoover.
Egypt—James Renfrow, John King, Holt Hensley, Mack N. McCurrey.
Pensacola—Columbus Allen.
Price—James A. Casida.
 Ratified this the 8th day of March, A. D. 1909.

CHAPTER 434.

AN ACT REQUIRING THE CLERKS OF THE SUPERIOR
 COURTS OF THE STATE TO MAKE REPORTS TO THE
 ATTORNEY-GENERAL.

The General Assembly of North Carolina do enact:

Clerks to report to
 Attorney-General.

SECTION 1. That within ten days after the adjournment of every Superior Court held in the State of North Carolina, either prescribed, special, criminal or civil, the clerk of said court shall make out and forward to the Attorney-General an accurate statement, under seal of his office, containing the following facts: The

day and date of opening court; the number of cases disposed of; the number of cases continued; the date and days court was held; the date and day court was adjourned; cause of adjournment; the name of the judge holding said court.

SEC. 2. That it shall be the duty of the Secretary of State to send a copy of this act to the clerk of the Superior Court of each county in this State within ten days after the adjournment of the General Assembly. Secretary of State
to forward copies.

SEC. 3. That the Attorney-General shall have these reports tabulated and distributed to the next General Assembly. Said statement, so tabulated, shall show the facts set out in section one of this act. Attorney-General
to tabulate and
distribute reports.

SEC. 4. That this act shall expire on November thirtieth, one thousand nine hundred and ten. Expiration of act

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 435.

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, the first-named person for each county for the term of two years from the first Monday of July, one thousand nine hundred and nine; the second-named person for each county for the term of four years from the first Monday of July, one thousand nine hundred and nine, and the last-named person for each county for the term of six years from the first Monday of July, one thousand nine hundred and nine—that is to say:

<i>Alamance</i> —W. K. Holt, S. E. Tate, J. Wesley Whitehead.	Alamance.
<i>Alexander</i> —V. W. Teague, H. J. Burke, R. L. Downs.	Alexander.
<i>Alleghany</i> —J. Lundy Joines, Eugene Transou, John W. Pool.	Alleghany.
<i>Anson</i> —Edward P. Liles, Charles H. Rivers, James L. Pratt.	Anson.
<i>Ashe</i> —W. F. Lewis, Alvin Lewis, F. M. Miller.	Ashe.
<i>Beaufort</i> —E. W. Ayers, W. M. Butt, Thad. R. Hodges.	Beaufort.
<i>Bertie</i> —T. A. Smithwick, T. C. Bond, W. R. Rayner.	Bertie.
<i>Bladen</i> —A. M. Kelly, A. McA. Council, N. M. Beatty.	Bladen.
<i>Brunswick</i> —Asa Edwards, John E. Robinson, J. B. Rourk.	Brunswick.
<i>Burke</i> —J. T. McGimsey, J. H. Hoffman, J. E. Coulter.	Burke.
<i>Cabarrus</i> —W. F. Smith, C. F. McAllister, J. P. Cook.	Cabarrus.
<i>Caldwell</i> —Milton Greer, M. G. Shearer, P. G. Moore.	Caldwell.
<i>Camden</i> —Simeon W. Williams, George W. Spencer, E. M. Deford.	Camden.

Carteret.	<i>Carteret</i> —J. F. Morris, C. N. Mason, C. P. Dey.
Caswell.	<i>Caswell</i> —W. A. Maynard, R. I. Newman, T. J. Hatchett.
Catawba.	<i>Catawba</i> —F. J. Dellinger, P. A. Hayes, A. C. Link.
Chatham.	<i>Chatham</i> —B. B. Phillips, A. R. Norwood, James B. Atwater.
Cherokee.	<i>Cherokee</i> —W. G. Sparks, J. M. Richardson, P. E. Nelson.
Chowan.	<i>Chowan</i> —J. E. Twine, F. A. Ward, John M. Forehand.
Clay.	<i>Clay</i> —J. O. Scroggs, R. N. Tiger, S. H. Allison.
Columbus.	<i>Columbus</i> —A. H. Porter, Minas Meares, J. E. L. Winecoff.
Craven.	<i>Craven</i> —John S. Morton, Daniel Lane, R. A. Nunn.
Cumberland.	<i>Cumberland</i> —John W. Hall, A. D. McGill, John A. Oates.
Currituck.	<i>Currituck</i> —Samuel Scott, E. D. Bowden, W. J. Tate.
Dare.	<i>Dare</i> —T. J. Fulcher, S. A. Griffin, R. C. Evans.
Davidson.	<i>Davidson</i> —J. W. Clegg, S. H. Averett, B. I. Harrison.
Davie.	<i>Davie</i> —Albert W. Ellis, S. A. Woodruff, Thomas B. Bailey.
Duplin.	<i>Duplin</i> —L. A. Beasley, W. B. Southerland, M. F. Westbrook.
Durham.	<i>Durham</i> —W. T. Mangum, George C. Stallings, John W. Umstead.
Forsyth.	<i>Forsyth</i> —John W. Pinnix, Ellis Hauser, John F. Griffith.
Franklin.	<i>Franklin</i> —H. D. Edgerton, A. W. Perry, John C. Winston.
Gaston.	<i>Gaston</i> —J. H. Rudasill, Henry A. Rhyne, S. N. Boyce.
Gates.	<i>Gates</i> —John S. Felton, R. W. Simpson, T. E. Hofer.
Graham.	<i>Graham</i> —J. M. Edwards, M. T. Maxwell, S. P. Harwood.
Granville.	<i>Granville</i> —Joseph G. Blalock, J. A. Morris, E. B. Meadows.
Greene.	<i>Greene</i> —John Harvey, W. A. Darden, L. V. Morrill.
Guilford.	<i>Guilford</i> —W. T. Whitsett, Charles H. Ireland, John C. Kennett.
Halifax.	<i>Halifax</i> —Thomas H. Taylor, John A. Collins, W. P. White.
Harnett.	<i>Harnett</i> —O. Bradley, John M. Hodges, T. W. Harrington.
Haywood.	<i>Haywood</i> —T. L. Gwynn, D. M. Cagle, J. K. Boone.
Henderson.	<i>Henderson</i> —N. W. Posey, John P. Patton, C. Oates.
Hertford.	<i>Hertford</i> —John E. Vann, Uriah Watson, C. W. Parker.
Hyde.	<i>Hyde</i> —Z. T. Fortescue, M. S. Credle, W. P. Burrus.
Jackson.	<i>Jackson</i> —J. J. Gray, W. R. Sherrill, R. L. Madison.
Johnston.	<i>Johnston</i> —W. G. Wilson, George F. Woodard, J. J. Rose.
Jones.	<i>Jones</i> —George Noble, Frank Jenkins, F. H. Foy.
Lee.	<i>Lee</i> —E. M. Judd, M. A. McLeod, Thomas B. Lambeth.
Lenoir.	<i>Lenoir</i> —R. H. Lewis, John C. Davis, George B. W. Hadley.
Lincoln.	<i>Lincoln</i> —J. Frank Leatherman, D. C. K. Wilkerson, R. L. Sigmon.
Macon.	<i>Macon</i> —J. T. Patton, W. L. Higdon, S. H. Lyle.
Madison.	<i>Madison</i> —L. M. Bryan, Thomas Murray, Jasper Ebbs.
Martin.	<i>Martin</i> —L. B. Wynne, J. T. Waldo, S. R. Biggs.
McDowell.	<i>McDowell</i> —Johnson Ledbetter, J. L. Padgett, D. E. Hudgins.
Mitchell.	<i>Mitchell</i> —John W. Gudger, George M. Young, Reuben G. Wilson.
Montgomery.	<i>Montgomery</i> —C. L. Cox, W. F. Hunsucker, H. S. Poole.
Moore.	<i>Moore</i> —J. R. McQueen, W. H. H. Lawhorn, Calvin McNeill.
Nash.	<i>Nash</i> —I. F. Finch, Frank V. Avent, W. S. Wilkinson.
New Hanover.	<i>New Hanover</i> —John H. Hanby, W. H. Sprunt, James H. Chad- bourn.

<i>Northampton</i> —W. T. Joyner, E. B. Lassiter, J. B. Stephenson.	Northampton.
<i>Onslow</i> —O. F. Justice, Hosea Brown, D. F. Howard.	Onslow.
<i>Orange</i> —John H. Hannah, J. S. Spurgeon, George C. Pickard.	Orange.
<i>Pamlico</i> —James Potter, B. F. McCotter, H. L. Gibbs.	Pamlico.
<i>Pasquotank</i> —John C. James, Jr., W. A. Foster, J. M. Leroy.	Pasquotank.
<i>Pender</i> —Gibson James, R. K. Bryan, D. J. Corbett, Jr.	Pender.
<i>Perquimans</i> —John H. Ward, R. A. Brinn, J. C. Blanchard.	Perquimans.
<i>Person</i> —J. A. Long, Jr., J. W. Noell, B. F. Hester.	Person.
<i>Pitt</i> —A. G. Cox, L. C. Arthur, M. O. Blount.	Pitt.
<i>Polk</i> —S. B. Weaver, J. F. Williams, F. C. Jackson.	Polk.
<i>Randolph</i> —W. N. Elder, I. F. Craven, T. W. Ingram.	Randolph.
<i>Richmond</i> —A. H. McDonald, D. A. Parsons, Stephen Wall.	Richmond.
<i>Robeson</i> —E. C. Nye, L. R. Hamer, Lucius McRae.	Robeson.
<i>Rockingham</i> —Robert H. Ivie, W. J. Williams, George W. Martin.	Rockingham.
<i>Rowan</i> —P. A. Sloop, Junius Farr, John S. Henderson.	Rowan.
<i>Sampson</i> —W. A. Bizzell, Claude E. Daniel, A. F. Johnson.	Sampson.
<i>Scotland</i> —E. L. McNair, John T. Bostick, W. T. Pate.	Scotland.
<i>Stanly</i> —J. M. Hartsell, D. P. Whitley, J. F. Shinn.	Stanly.
<i>Stokes</i> —F. P. Stone, C. A. Mitchell, N. A. Martin.	Stokes.
<i>Surry</i> —B. J. Snow, G. C. Welch, J. S. Atkinson.	Surry.
<i>Swain</i> —D. A. Randolph, S. B. Gibson, A. H. Hayes.	Swain.
<i>Transylvania</i> —M. M. Garron, Edwin Parr, W. W. Zachary.	Transylvania.
<i>Tyrrell</i> —Paul Jones, H. T. Davenport, W. B. Morton.	Tyrrell.
<i>Union</i> —E. E. Marsh, J. E. Broom, P. T. Way.	Union.
<i>Vance</i> —Henry Shanks, J. U. Fleming, R. J. Gill.	Vance.
<i>Wake</i> —M. C. Chamblee, L. J. Sears, C. B. Barbee.	Wake.
<i>Warren</i> —Howard F. Jones, Tasker Polk, W. R. Vaughan.	Warren.
<i>Washington</i> —W. H. Hardison, C. J. Spruill, C. J. Norman.	Washington.
<i>Watauga</i> —H. C. Miller, J. W. Farthing, T. P. Adams.	Watauga.
<i>Wayne</i> —W. F. English, Barnes Aycock, Joseph E. Robinson.	Wayne.
<i>Wilkes</i> —R. A. Reves, Vance McGhinis, R. A. Spainhour.	Wilkes.
<i>Wilson</i> —B. J. Thompson, R. T. Barnes, Nathan Bass.	Wilson.
<i>Yadkin</i> —J. W. Pass, J. H. Williams, J. O. Conrad.	Yadkin.
<i>Yancey</i> —D. C. Renfro, W. Hensley, J. Lloyd Young.	Yancey.

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 said clerk shall immediately notify each member of his appointment and direct said members to meet at the courthouse on the first Monday in July for the purpose of qualifying and organizing said board.

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 436.

AN ACT TO REGULATE TRAPPING IN COLLY TOWNSHIP,
BLADEN COUNTY.*The General Assembly of North Carolina do enact:*

Unlawful to set
traps except
within enclosure.

SECTION 1. That it shall be unlawful for any person to set any kind of traps for the purpose of catching game or any other purpose, unless the said traps so set shall have been placed within an enclosure sufficiently strong to protect hogs and other domestic animals from being exposed to said traps.

Violation of act a
misdemeanor.
Punishment.

SEC. 2. That any person violating this act or any part thereof shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court.

Application of
act.

SEC. 3. That this act shall apply to Colly Township, Bladen County, only.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 437.

AN ACT TO AMEND SECTION 2461 OF REVISAL OF 1905
OF NORTH CAROLINA, RELATING TO OBSTRUCTIONS
ACROSS HIAWASSEE RIVER.*The General Assembly of North Carolina do enact:*

Sluiceways and
fish ladders.

SECTION 1. That section two thousand four hundred and sixty-one of the Revisal of one thousand nine hundred and five of North Carolina be amended as follows: Strike out all words after the word "across," in line two, down to and including the word "fish," in line seven of said section, and insert in lieu thereof the following: "Hiawassee River, in Clay County, without providing for the free passage of fish in said river by a sluiceway or fish ladder not less than three feet nor more than ten feet wide, under the same rules and regulations as set forth in lines forty-four to fifty-two, inclusive of the word 'complaint,' in line fifty-two of section two thousand four hundred and sixty-two of the Revisal of one thousand nine hundred and five."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 438.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

That chapter two hundred and fifty-six of the Public Laws of one thousand nine hundred and seven, relating to raising revenue, be amended so as hereafter to read as follows:

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.

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.

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.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint-stock association, limited partnership or company whatsoever, except corporations specifically taxed by a different method elsewhere in this chapter, from which a report is required by law to be made to the State Auditor or State Treasurer or Corporation Commission, shall be subject to and pay to the

Former act amended.

Taxes payable in national currency. Rules and regulations. Application of taxes.

Poll tax—persons subject to. Exceptions. Rate.

Application of proceeds.

Ad valorem tax. Rate.

Exemptions.

Limit on taxing power of municipalities.

Corporation taxes to be paid to State treasurer.

Tax on actual value of stock.

Payment within thirty days.	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 or Corporation Commission: <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 taxed 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.
Proviso: interests classed as capital stock.	
Proviso: mortgages and securities covered by tax on capital.	
Securities held in trust.	
Stockholders not taxed on individual holdings.	
Corporate stockholders not taxed.	

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 institutions.
Exceptions.	
Proviso: property held for investment, speculation or rent.	

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 intestate laws of this State from any person who may die
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seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State, or if the decedent was not a resident of this State at the time of his death, such property or any part thereof within this State, or any interest therein or income therefrom which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor, bargainor, donor or assignor, or intended to take effect, in possession or enjoyment after such death, to any person or persons or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled in possession or expectancy to any property or the income thereof, shall be and hereby is made subject to a tax for the benefit of the State, as follows, that is to say: Where the whole amount of said legacy or distributive share of personal property shall exceed in value two thousand dollars and all in excess of two thousand dollars the tax shall be:

Instruments made in contemplation of death or to take effect after death.

Amount taxable.

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.

Lineal descendant or ancestor.

Brother or sister.

Child.

Rate.

Clerk of court to determine relationship.

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.

Descendant of brother or sister.

Rate.

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.

Uncle or aunt or descendant of same.

Rate.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the person who died possessed as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Brother or sister of grandparents or descendant of same.

Rate.

Collateral relations or strangers in blood.

Graduated rate.

Proviso: exemptions.

Rate when value more than \$5,000 but not more than \$10,000.

Rate when value exceeds \$10,000 but not \$25,000.

Rate when value exceeds \$25,000 but not \$50,000.

Rate when value exceeds \$50,000.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed as aforesaid, or shall be a body politic or corporate, where the whole amount of said legacy or distributive share of personal property shall exceed two thousand dollars and shall not exceed five thousand dollars, the tax shall be at the rate of five dollars for each and every hundred dollars of the clear value of such interest: *Provided*, that all legacies or property passing by will or by the laws of this State to husband or wife of the person who died possessed as aforesaid, or for religious, charitable or educational purposes, shall be exempt from tax or duty. Where the amount or value of said property shall exceed the sum of five thousand dollars, but shall not exceed the sum or value of ten thousand dollars, the rates of tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of ten thousand dollars, but shall not exceed the sum of twenty-five thousand dollars, such rates of tax shall be multiplied by two; and where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by three, but this graduated increase of rate shall only apply to the provisions of subdivision five of this section.

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

Liability discharged only by payment of tax.

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 delay in payment.

SEC. 8. That if said tax is not paid at the end of two years after the death of the decedent six per cent per annum shall be charged thereon until same is paid.

SEC. 9. *Executor, etc., shall deduct tax.*

Executor to deduct tax.

The executor or administrator or other trustee paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate 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;

Demand for payment.

Payment or delivery of legacy on payment of tax.

and in case of neglect or refusal on the part of said legatee to pay the same such specific legacy or article or so much thereof as shall be necessary shall be sold by such executor or administrator at public sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law; and every sum of money retained by any executor or administrator or paid into his hands on account of any legacy or distributive share for the use of the State shall be paid by him to the proper officer without delay.

Sale of legacy for tax.

Distribution of surplus.

Executor to pay over tax.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy subject to said tax be given to any person for life or for a term of years or for any other limited period, upon a condition or contingency, if the same be money, the tax thereon shall be retained upon the whole amount; but if not money, application shall be made to the court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such legatee, and for such further order relative thereto as equity shall require.

Legacies for life.

If of money, tax paid on whole amount.

Court to apportion tax on other legacies.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of real estate the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid, and in default thereof the same shall be enforced by the decree of the court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the personal property of the estate on which the tax is imposed or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and received for by the proper officer of the State.

Legacy charged on land, heir or devisee to deduct tax.

Amount deducted to be paid to executor.

Tax a charge on real estate. Enforcement of payment.

Proviso: lien for taxes on personal property.

SEC. 12. *Executor or administrator to take duplicate receipts from the clerk of the court.*

It shall be the duty of any executor or administrator, on the payment of said tax, to take duplicate receipts from the clerk of the court, one of which shall be forwarded forthwith to the Auditor of the State, whose duty it shall be to charge the clerk receiving the money with the amount, and seal with the seal of 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 adminis-

Receipts in duplicate.

Receipt forwarded to auditor.

Receipt sealed and countersigned by auditor a voucher.

trator be entitled to a credit in his account by the clerk unless the receipt is so sealed and countersigned by the Auditor of the State.

SEC. 13. *Foreign executor or administrator transferring stock shall pay the tax on such transfer.*

Tax paid to clerk of court on transfer of stock.

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.

Liability of corporation.

SEC. 14. *Proportion of tax to be repaid upon certain conditions.*

Repayment of tax to legatees required to refund 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.*

Appointment of appraisers.

It shall be the duty of the clerk of the court of the county in which letters testamentary or of administration are granted to appoint an appraiser, as often as and whenever occasion may require, to fix the valuation of estates which are or shall be subject to inheritance tax, and it shall be the duty of said appraiser to make a fair and conscionable appraisement of such estates; and it shall further be the duty of such appraiser to assess and fix the cash value of all annuities and life estates growing out of said estates, upon which annuities and life estates the inheritance tax shall be immediately payable out of the estate at the rate of such valuation: *Provided*, that any person or persons not satisfied with said appraisement shall have the right to appeal within sixty days to the court of the proper county on paying or giving security to pay all costs, together with whatever tax shall be fixed by said court, and upon such appeal said court shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate for such tax, subject to the right of appeal to the Supreme Court as in other cases. The compensation of appraisers appointed under this act shall be at the rate of three dollars per day for each day necessarily employed in making the appraisement, together with such necessary traveling expenses as may be incurred, a statement of which shall be properly itemized and sworn to, subject to the final approval of the Auditor of State before payment is made by the clerk of the court.

Appraisalment.

Annuities and life estates.

Proviso: appeals.

Security on appeal. Jurisdiction of court.

Compensation of appraisers.

Subject to approval of auditor.

SEC. 16. *Misdemeanor for appraiser to take fee or reward from executor or administrator.*

It shall be a misdemeanor for any appraiser appointed by the clerk to make any appraisement in behalf of the State to take any fee or reward from any executor or administrator, legatee, next of kin or heir of any decedent, and for any such 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.

Misdemeanor for appraiser to receive fee or reward.

Dismissal from service.
Punishment.

SEC. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the clerk of the court to enter in a book to be provided at the expense of the State, to be kept for that purpose, and which shall be a public record, the returns made by all appraisers, under this act, opening an account in favor of the State against the decedent's estate; and the clerk may give certificates of payment of such tax from such record; and it shall be the duty of the clerk of the court to transmit to the Auditor of the State on the first Monday of each month a statement of all returns made by appraisers during the preceding month, giving the name of the estate and the clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the auditor in a book to be kept by him for that purpose; and whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the clerk of the court to apply to the court by bill or petition to enforce the payment of the same; whereupon said court, having caused due notice to be given to the owner or owners of the estate charged with the tax and to such other person or persons as may be interested, shall proceed according to equity to make such decrees or orders for the payment of the said tax out of such estates as shall be just and proper.

Record of returns of appraisers.

Statements to be sent to auditor.

Enforcement of payment.

Notice to owners of estate.

Decrees and orders.

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 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, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be due and unpaid the said delinquent shall pay said tax, interest and costs; and it shall be the duty of the 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

Citation to executors and administrators.

Citation to representatives, legatees or heirs.

Notice by publication.

Solicitors to sue for tax.

Fee of solicitor.

Allowances to clerk. fee, to be fixed by the judge, not to exceed five per cent of the amount recovered. The Auditor of the State is authorized and empowered, in settlement of accounts of any clerk, to allow him costs of advertising and other reasonable fees and expenses incurred in the collection of said tax.

Sec. 19. *Clerk to be agent of the State for collection of said tax.*

Clerks agents for State.

Commission on collections.

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.*

Clerk liable on 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 payments to the State Treasurer.*

Clerk to make returns and payments monthly.

It shall be the duty of the clerk of the court of each county to make returns and payments to the State Treasurer of the taxes under this act which he shall have received, stating for what estate paid, on the first Monday of each month; and for all taxes collected by him and not paid over to the State Treasurer within ten days after said monthly return of the same he shall pay interest at the rate of twelve per centum per annum until paid.

Penalty for delay.

INCOME TAX.

Sec. 22. *Taxpayer to show his income on list.*

Income in excess of \$1,000 to be listed.

The taxpayer 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.*

Question as to income.

The blanks for listing taxes shall contain the following question: "Was your gross income from salaries, fees, trades, professions and property not taxed, any and all of them, for the year ending June first in excess of one thousand dollars?" If the taxpayer answers the question in the affirmative the list taker shall see that the amount of such excess is placed upon the blank provided for that purpose, and the taxes assessed against the income shall be paid, together with other taxes for that year; and should the list taker divulge the amount so listed other than to the proper officials he shall be deemed guilty of a misdemeanor, and it shall be unlawful for any person to print or publish in any manner any income tax returned or any part thereof or the taxes

Excess to be listed.

List taker forbidden to divulge amount listed. Misdemeanor.

Printing or publishing income tax forbidden.

due thereunder, and any person offending against the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars or be imprisoned not more than thirty days for each offense.

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. The above tax shall not be levied upon the income derived from property already taxed nor upon income less than one thousand dollars. The incomes subject to the above tax are those derived from property not taxed; from salaries, 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.

Rate of income tax.

Incomes not taxed.

Incomes subject to tax.

SEC. 25. No city, town, township or county shall levy any inheritance or income tax.

State tax sole charge on inheritance and incomes.

SCHEDULE B.

SEC. 26. *Defining taxes under this schedule.*

Taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in this act contained shall be construed to relieve any person or corporation from the payment of tax as required in the preceding schedule. The license issued under this schedule shall be for twelve months and shall expire on the thirty-first day of May of each year. 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.

License tax.

Taxes in preceding schedule not released.

Term of license.

License not transferable.

State tax in each county.

SEC. 27. *Theaters.*

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

Rooms or halls used as theater or opera house. Graduated tax.

License to be posted.

One-half tax to use of county.

No tax on performance in licensed halls.

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.*

Traveling theatrical company in unlicensed hall.

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, and any person giving exhibitions with magic lanterns shall only pay two dollars: *Provided*, all such places of amusement which do not charge more than ten cents admission and shall perform in any given place as much as one week at a time shall only be required to pay the aforesaid tax for the week: *Provided further*, that this shall not be so construed as to allow any of the aforesaid places of amusement to exhibit under more than one tent, hall or other place, under this tax, but shall pay said tax on every such place. On each room, hall or tent used as a moving picture or vaudeville show, when not licensed as provided in section twenty-seven of this act, shall pay a tax as follows: In towns of less than two thousand five hundred inhabitants, five dollars per annum; less than five thousand inhabitants and more than two thousand five hundred, ten dollars per annum; less than ten thousand inhabitants and more than five thousand, twenty dollars per annum; in towns or cities with more than ten thousand inhabitants, twenty-five dollars per annum.

Owner of hall responsible for tax.
Paintings, statuary, magic lanterns and moving pictures.
Proviso: tax for week.

Proviso: tax on each place of exhibit.

Moving pictures and vaudeville shows.

Graduated rate.

SEC. 29. *Circuses, menageries, dog and pony shows, etc.*

Circuses and menageries.
Graduated tax.

On every exhibition of a circus or show, with or without menagerie, to which the price of admission, including a reserved seat, exceeds seventy-five cents, for each day or part of a day, three hundred dollars; on every exhibition of a circus or show, with or without menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring for transportation a train of cars aggregating more than six hundred feet in length, two hundred dollars; on every exhibition of a circus or show, with or without menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring for transportation a train of cars aggregating not more than six hundred feet and not less than four hundred feet in length, for each day or part of a day, one hundred and fifty dollars; on every exhibition of a circus or show, with or without menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring for transportation a train of cars aggregating not more than four hundred feet and not less than two hundred feet in length, for each day

or part of a day, one hundred dollars; on each show or circus, with or without menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring for transportation a train of cars aggregating not more than two hundred feet in length, for each day or part of a day, fifty dollars. On every exhibition of a circus or show transported otherwise than by rail the same tax shall be collected as from other shows of like class. On all exhibitions of circuses and shows of every class, including dog and pony shows, to which the price of admission, including a reserved seat, does not exceed fifty cents, twenty-five dollars for each day or part of a day; and on each side show, whether unattached or part of any show herein enumerated, for which a separate admission is charged, twenty-five dollars. On any other show, given under canvass 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. The person, firm or corporation by whom any such circus or show is owned or controlled shall file with the State Treasurer, not less than five days before the same shall enter the State for the purpose of exhibiting therein, a statement, duly subscribed, setting out in detail the name of such circus or show and by whom owned or controlled; the character of the exhibition to be given, with the prices charged for general admission and for reserved seats; the places within the State where exhibitions are to be given, specifying the counties, cities and towns; the number of side shows exhibited in connection therewith; the number, character and length of the cars required for the transportation of such circus or show, and such other information as may be called for by any rule or regulation adopted and promulgated by the State Treasurer. Upon the receipt of such statement the State Treasurer shall fix and determine the amount of the license tax with which such circus or show is chargeable, and shall endorse his finding upon such report, and transmit a copy thereof to the sheriff of each and every county in which such circus or show is to exhibit, with full and particular instructions as to the license tax to be collected therefrom, which instructions may be modified from time to time, when deemed necessary for the proper enforcement of the provisions of this section; that it shall be the duty of the sheriff of each and every county in which any such circus

Side shows.

Other shows.

County tax.

Proviso: not less than half of State tax.

Counties may refuse license.

Statements to be filed with treasurer.

State treasurer to determine amount of license tax.

Copies of statements sent to sheriffs with instructions.

Reports from sheriffs.

Representative of
treasurer for
fixing license tax.

Instructions to
sheriffs.

Penalty for failure
to make state-
ment or false
statement.

Sheriff to collect
excess.

Proviso: State
treasurer may
remit excess.

Entertainments
not taxed.

Proviso: star
courses and
theatrical troupes.

Proviso: operas,
other exhibitions
and entertain-
ments not taxed.

Attorneys, phy-
sicians, dentists,
etc.

or show is advertised or expected to exhibit to promptly communicate such information to the State Treasurer; and in case that the statement respecting any such circus or show hereinbefore provided for shall not be filed in time for certified copies thereof, with proper instructions, to be transmitted to the sheriffs of the several counties in which the same is advertised or expected to exhibit, it shall be the duty of the State Treasurer to cause his duly authorized representative to attend at one or more points in the State where such circus or show is advertised or expected to exhibit for the purpose of securing such statement, of fixing and determining the amount of the license tax with which such circus or show is chargeable, and of giving proper instructions for the collection of such tax; and thereafter the State Treasurer shall transmit to the sheriffs of the several other counties in which such circus or show is advertised or expected to exhibit the copies of such statement, with the instructions hereinbefore provided for, or in lieu thereof such instructions as shall be deemed necessary for their guidance in the collection of all taxes properly chargeable against such circus or show. Any circus or show which shall exhibit in the State before such statement shall have been filed, or which shall after the filing of such statement give any exhibition taxable at a higher rate than the exhibition authorized by the State Treasurer upon the basis of the statement filed, shall be chargeable with a license tax of fifty per cent greater than that hereinbefore prescribed for circuses or shows of like class; and the sheriff of any county in which such circus or show shall exhibit shall in all cases collect such excess tax and shall be charged with and make settlement therefor as for other taxes: *Provided*, that the State Treasurer may in his discretion remit such excess tax, wholly or in part.

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, nor to exhibitions given at city parks and other resorts, when no charges for admission are made.

SEC. 31. *Attorneys, physicians and dentists.*

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath or any person prac-

ting 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 under this section.

Proviso: municipal and county tax.

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 and collecting agents.

Proviso: municipal and county tax.

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.*

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 secondhand clothing, and undertakers and embalmers and retail dealers in coffins 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 cabinetmaker (and who is not an undertaker) who makes coffins to order.

Collection agencies.

Dealers in secondhand clothing, Undertakers, embalmers and dealers in coffins. Graduated tax.

Proviso: cabinet-makers.

SEC. 35. *Horse dealers.*

On all persons, firms or corporations who buy and sell horses or mules as a business or for profit, an annual license tax of twenty-five dollars. The license for conducting the said business shall be issued by the sheriff of any county in which he sells horses or mules, and shall be good for twelve months from their issuance; 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

Horse dealers.

License to be issued by sheriff.

Lists sent to treasurer.

No county or municipal tax. Dealing without license a misdemeanor.

Punishment.

Livery-stable keepers classed as dealers.

Proviso: exemption.

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 and ranges.

License to be issued by treasurer.

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.

SEC. 37. *Bicycle dealers.*

Bicycle dealers.

On every individual or firm or his or their agents engaged in the business of buying and selling bicycles or bicycle and motorcycle 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 shall apply to any individual or firm conducting the exclusive business of repairing bicycles. Every individual or firm or his or their agents engaged in the business of buying and selling automobiles or locomobiles shall pay an annual license tax of twenty-five dollars.

Graduated tax.

Proviso: bicycle repairers.

Dealers in automobiles.

SEC. 38. *Merchandise brokers.*

Brokers and commission merchants.

On every commission merchant, broker or dealer buying or selling goods or merchandise on commission, ten dollars per annum.

SEC. 39. *Ship brokers.*

Ship brokers.

On every person engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignees of the freight which they carry, usually known as "ship brokers," an annual license tax of twenty dollars; on every person owning or operating marine railways with a hauling capacity of less than eighty tons, five dollars; on every marine railway with a hauling capacity of more than eighty tons and less than one hundred and fifty tons, ten dollars; on every marine railway with a hauling capacity of more than one hundred and fifty tons, fifteen dollars.

Marine railways.
Graduated tax.

SEC. 40. *Pawnbrokers.*

Pawnbrokers.

No person shall without a license authorized by law engage in the business of lending money or other things for profit for or on account of specific articles of personal property other than farm products 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

Definition.

held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The expenses attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from the sale, after satisfying the money advanced, with the interest and costs which have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty nor more than five hundred dollars. A pawnbroker shall pay for the privilege of transacting business an annual license tax of one hundred dollars. This section shall apply to all persons, firms or corporations conducting a business of lending money and holding the same by chattel mortgage, pledge or otherwise, and who charge more than the legal rate of interest: *Provided*, this section shall not be so construed as to relieve any person from the penalties incurred under the laws against usury in this State.

Sale of unredeemed pledges.

Payment of surplus.

Penalty for doing business without license.

License tax.

Application of section.

Proviso; penalty incurred under usury laws.

SEC. 41. *Livery stables.*

On every person, firm or corporation who keeps horses or mules to hire or let, with or without vehicle, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall on the first day of January and July of each year furnish to the register of deeds a sworn statement of the number of horses or mules sold or so kept at any time during the preceding six months, the taxes to be collected by the sheriff or tax collector. Every person, firm or corporation operating under a livery-stable license who sells more than five horses or mules within six months shall be classed as a horse dealer and shall pay an additional tax of twenty-five dollars, and shall exhibit license from a sheriff on all occasions whenever required.

Livery stables.

Sworn statements to be furnished.

Classed as horse dealers.

Additional tax.

SEC. 42. *Sewing machines.*

Every manufacturer of sewing machines and every person or persons or corporation engaged in the business of selling the same in this State shall, before selling or offering for sale any such machine, pay to the State Treasurer a tax of four 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 anyone who has obtained license as provided in this section and the payment of a fee of two dollars, 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

Manufacturers and dealers in sewing machines.
License tax.

Lists of machines to be furnished.

Duplicates of license.

Agents unlimited.

No county or municipal tax.

Doing business without license a misdemeanor.	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
Punishment.	of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid
Penalty.	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
Division of penalty.	two hundred dollars, one hundred thereof to be paid into the State Treasury as other taxes and one hundred dollars to the
Officers to prosecute for penalties.	officer making the arrest. It shall be the duty of all county, town and township bonded officers to prosecute for penalties under
Merchants excepted.	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
Proviso: receipt for taxes. Section printed on license.	general stock of merchandise and sell and deliver them at their place of business: <i>Provided</i> , they have a duplicate receipt showing that the taxes have been paid. It shall be the duty of the State
Proviso: second-hand machines.	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 secondhand 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.

SEC. 43. *Feather renovators.*

Feather renovators.	On every individual or firm or association of persons or his or their agents engaged in the business of renovating feathers, a license tax as follows: Ten dollars for each county in which such business may be solicited or conducted.
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SEC. 44. *Peddlers.*

Definition of peddlers.	Any person who shall carry from place to place any goods, wares or merchandise and offers to sell or barter the same or actually sells or barter the same shall be deemed to be a peddler
Peddlers on foot.	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
Peddlers with horse, ox, mule or vehicle.	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
Peddlers of medicines and drugs.	by any other power, or having any free or paid exhibitions or attractions upon the streets or in a tent or any other place for the purpose of receiving trade, one hundred dollars for each county.
Itinerant salesmen.	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 shall exempt Confederate soldiers, where the tax does not exceed fifty dollars for each county, 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 and *bona fide* residents who are blind.

Application for
and issuance of
licence.

Peddlers not
subject to tax.

Exemptions.

Proviso: persons
exchanging
woolen goods for
wool.
Proviso:
drummers and
blind persons.

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 and fifty dollars, to be paid by the principal office in the State to the State Treasurer; and no city, town or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided shall be guilty of a misdemeanor.

Mercantile
agencies.

No county or
municipal tax.
Representing
unlicensed com-
pany a misde-
meanor.

SEC. 46. *Gypsies or fortune tellers.*

Every company of gypsies or strolling bands of persons living in wagons or tents or otherwise who trade horses and 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 crafts, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Gypsies and
fortune tellers.

Not exempt from
indictment.

SEC. 47. *Lightning-rod agents.*

On every person or company who puts up lightning rods, twenty-five dollars annually for each county in which he carries on business or sells lightning rods.

Lightning-rod
agents.

SEC. 48. *Hotels.*

On each hotel charging for transient custom more than one dollar and less than two dollars per day, an annual tax of twenty-

Hotels.

Tax proportioned to capacity. Rooms not counted. five cents for each and every room; hotels charging two dollars or more 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 one hundred dollars on each and every compress.

SEC. 50. *Billiard and pool tables and bowling alleys.*

Billiard and pool tables and bowling alleys in connection with drinking shops. On each billiard or pool table, bowling alley or alley of like kind kept for public use, if in connection with any place where drinks of any kind are 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.

Other tables and alleys.

SEC. 51. *Gift enterprises; prize photographs.*

Gift enterprises. 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 person or establishment 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.

Prize photographs or other prizes.

Taxes paid to sheriff. Penalties not relieved.

Proviso: exceptions.

SEC. 52. *Slot machines.*

Slot machines delivering merchandise. 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 one dollar 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 one dollar 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

Picture and musical slot machines.

Weighing and stencil machines.

Proviso: returns to be fixed or certain. Proviso: automatic clerks.

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 storehouses and paying taxes as a merchant, or slot machines where drinking water is delivered at one cent a glass: *Provided further*, that any person using, running or operating a slot machine of any description for other purposes than above set forth, or machines 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.

Proviso: using slot machines of other kinds a misdemeanor.

Punishment.

SEC. 53. *Bagatelle tables, etc.*

On each bagatelle table, merry-go-round, hobbyhorse, switch-back railway, shooting gallery or place for any other game or play, with or without a name (unless used for private amusement or exercise alone), the following graduated tax shall be paid, to-wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars. On skating rinks (unless used for private amusement or exercise alone) the following graduated tax, to-wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, ten dollars: *Provided*, that on each bagatelle table, merry-go-round, hobbyhorse, switch-back railway or shooting gallery carried on outside of any incorporated city or town, the sum of five dollars.

Bagatelle tables, merry-go-rounds, switchback railways, shooting galleries, etc.

Graduated tax.

If kept in connection with drinking shops. Skating rinks.

Graduated tax.

Proviso: if operated outside of a town.

SEC. 54. *Stockbrokers.*

Every dealer in stocks, bonds or other securities shall pay for the privilege of transacting business an annual license tax of fifty dollars. No county, city or town shall levy or collect any tax under this section exceeding twenty-five dollars for the county and ten dollars for the city or town.

County and municipal tax limit.

SEC. 55. *Bottling works.*

Each person, firm or corporation manufacturing or bottling soda water, Coca-Cola, Beerine, Cel-i-ko, ginger ale and like preparations shall pay an annual tax, in towns of two thousand five hundred inhabitants or less, ten dollars; in towns of over two thousand five hundred and not exceeding five thousand inhabitants, twenty dollars; in towns of over five thousand inhabitants, thirty dollars.

Bottling works.

Graduated tax.

SEC. 56. *Packing houses.*

Upon every meat-packing house doing business in this State upon every wholesale dealer in meat-packing-house products who

Packing houses.

Proviso: packers exempted.

owns and operates in this State a cold-storage plant or cold-storage warehouse in connection with said wholesale business, one hundred dollars for each county in which said business is carried on: *Provided*, that nothing in this act shall apply to packers packing less than twenty-five thousand pounds of meat in any one year.

SEC. 57. *Breweries and agencies of breweries.*

Breweries and brewers' agents.

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 and gasoline.

Tax on receipts.

Returns of sales.

Forms prepared by treasurer.

Penalty for doing business without license.

Treasurer to bring suit.

Limit of municipal tax.

Ad valorem tax.

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, for the twelve months preceding the first day of June, where the gross sales exceed twenty-five thousand dollars, one per centum upon such gross sales. 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 or corporation subject to this license tax and doing business in this State without having paid such license tax shall be liable to a penalty of one thousand dollars and in addition thereto to double the tax imposed by 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 shall impose any tax under this section upon the business of oil dealers. No city or town shall levy a license or privilege tax exceeding ten dollars, and only when there is located in such city or town an agency, station or warehouse for the distribution and sale of such oils; and the person, firm or corporation 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.*

Dealers in futures.

Graduated tax.

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 association of persons as principal or agent from the penalties prescribed in chapter 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.

Proviso: exceptions.

Proviso: excepted persons not to deal in futures.

Proviso: business not legalized.

Nor dealers exempted from penalties.

Nor contracts validated.

SEC. 60. *Liquor dealers.*

No license shall be issued for the sale of any spirituous, vinous or malt liquors or medicated bitters, the sale of which is prohibited by chapter seventy-one of the Public Laws, special session one thousand nine hundred and eight.

No license to be issued for sale of liquors.

SEC. 61. *Dealers in rice beer, medicated bitters, etc.*

Any person who shall sell any beverage which partakes of the intoxicating nature of spirituous, vinous or malt liquors, but which shall be designated under such names as rice beer, medicated bitters, champagne cider, cherry cider, orange cider, 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.

Dealers in rice beer, bitters and ciders.

Failure to comply with law a misdemeanor.

Punishment.

One-half fine to informant.

SEC. 62. *Druggists selling liquors.*

Druggists dealing in spirituous, vinous or malt liquors or medicated bitters shall on or before the first day of 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 practising 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 sec-

Druggists dealing in liquors.

Druggists classed as liquor dealers.

Misdemeanor.

Proviso: laws not repealed.

tion 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, or chapter seventy-one, Public Laws special session one thousand nine hundred and eight.

SEC. 63. *Grain distilleries.*

Distilleries not to be licensed.

No license shall be issued to any grain or brandy distillery or to any person, firm or corporation desiring to engage in the manufacture of any spirituous, vinous or malt liquors, the sale of which is prohibited by chapter seventy-one, Public Laws special session one thousand nine hundred and eight. Every individual, firm or corporation dealing in malt or beerine, near beer or any drink, under any name or description whatsoever, containing one-half of one per cent alcohol, or more, shall pay an annual license tax of twenty dollars.

Dealers in beerine and kindred articles.

SEC. 64. *Social clubs.*

Social clubs.

Any organization chartered or organized as a social club which desires to keep on hand, at their clubhouse 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

Semiannual tax for each member.

on the first days of January and July of each year pay a semi-annual license tax of one dollar for every person who has been

Where malt liquors only handled.

Persons concerned guilty of misdemeanor.

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

Punishment.

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

Organizations entitled to privilege of section.

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

Members defined.

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

Clubs not chartered in dry counties.

Municipal tax.

the licensing and sale of liquors. The word "members," whenever used in this section, shall not apply to any person under the age of twenty-one years. No social club for the dispensing of

liquors shall hereafter be permitted or chartered in any county where the granting of liquor 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. Upon every person, whether as agent for another or as principal, who engages in the business of taking orders for enlargement of photographs or who enlarges photographs, an annual license tax of ten dollars, and each county and city may also collect a license tax not exceeding five dollars.

Photograph
enlargers.

County and
municipal tax.

SEC. 66. *Dispensaries.*

On each dispensary or medical depository 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.

Dispensaries and
medical
depositories.

County and
municipal tax.

SEC. 67. *Obsolete.*

SEC. 68. *Insurance companies.*

The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders shall collect and pay into the State Treasury charges, fees and taxes as follows: For each license issued to a life insurance company or association, 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 or 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 each license issued to a domestic mutual insurance company operating in not more than two counties, ten dollars; for each license issued to a fraternal order, twenty-five dollars; for each 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;

Insurance
companies.

License tax.
Life insurance
companies or
associations.

Fire insurance
companies or
associations.

Agency com-
panies.

Accident com-
panies.

Marine insurance
companies or
associations.

Surety companies
or associations.

Plate-glass
insurance com-
panies.

Boiler insurance
companies.

Domestic mutual
insurance com-
panies.

Fraternal orders.

Bond, investment,
dividend guaran-
tee, registry, title

guarantee and
debenture com-
panies.

Tax on receipts.

Proviso: invest-
ments reducing
taxes and license
fees.

Licensed companies liable for no further tax.

Fees and taxes to be paid to insurance commissioner.

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 tax 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.*

Dealers in pistols and cartridges.

Dealers in other weapons.

Dealers in fireworks.

Separate license for each place of sale.

Every merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale any pistol or metallic pistol cartridges or cartridges used in pistols shall pay an annual tax of twenty dollars; and every such dealer who shall keep in stock any Bowie knife, dirk, dagger, slung shot, loaded cane, or brass, iron or metallic knuckles shall pay an annual license tax of one hundred dollars; and every merchant, storekeeper or dealer selling or offering for sale firecrackers or other fireworks shall pay an annual license tax of five dollars. A separate license shall be secured for each place where sales are made.

SEC. 70. *Pianos and organs.*

Dealers in pianos and organs.

Tax on receipts.

Penalty for selling without payment of license tax.

Sworn statement on application for license.

Treasurer may investigate statements.

Verification of application.

Every person, firm or corporation selling pianos or organs in this State shall pay an annual license tax to the treasurer of fifty 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 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 statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation the treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person he shall sign the application and statement of sales and swear

to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation the verification of the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor and shall be liable to a penalty of one thousand dollars, to be recovered by the treasurer in a civil action to be instituted in the Superior Court of Wake County. 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 shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding ten dollars on any dealer having an office or selling from any receiving point. 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.

False statement a misdemeanor.

Penalty.

Number of agents unlimited.

County tax.

No other license or privilege tax.

Limit of municipal tax.

No other tax on sales.

SEC. 71. *Cigarette dealers and manufacturers of cigarettes.*

On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty million, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty million, but does not exceed five hundred million, five hundred dollars; where such annual output exceeds five hundred million, 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 shall levy any tax under this section. No city or town shall levy a license or privilege tax exceeding ten dollars.

Cigarette manufacturers.

Graduated tax.

Proviso: no county or municipal tax except *ad valorem*. Retail dealers.

No county license tax.

Limit of municipal tax.

SEC. 72. *Public ferries, bridges, etc.*

On every ferry or bridge, one per centum of gross receipts; and any person or company operating any such ferry or bridge shall make returns, on oath, of such receipts to the register of deeds of the county in which such public ferry or bridge is located, within ten days after the first days of January and July of each year, and at the same time pay to the sheriff the tax herein imposed.

Ferries and bridges, tax on receipts. Sworn returns.

SEC. 73. *Obsolete.*

SEC. 74. *Emigrant agents.*

On every emigrant agent or person engaged in procuring laborers for employment out of this State, an annual license tax of one

Emigrant agents.

Engaging in
business before
paying tax a
misdemeanor.
Punishment.

hundred dollars for the State and one hundred dollars for the county, for each county in which such agent or person does business, the same to be collected by the sheriff. Anyone engaging in this business without first paying said tax shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned in the discretion of the court.

SEC. 75. *Itinerant oculists.*

Itinerant oculist.
Additional tax
for selling glasses.

Upon every itinerant oculist, an annual license tax of five dollars for each county in which he may practice and five dollars additional for each county in which he may sell or offer to sell spectacles or eyeglasses; and upon every itinerant optician or dealer in spectacles or eyeglasses, an annual license tax of ten dollars for each county in which he may offer to do business.

Itinerant optician
or dealer in
glasses.

SEC. 76. *Trading stamps.*

Trading stamps
and like devices.

An annual license tax for the State upon the business of issuing, selling or delivering trading stamps or checks, receipts, certificates, tokens or other similar devices to persons engaged in trade or business, 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 presenting or possessing the same money or other thing of value, or any concession or preference in any way on account of the possession or presentation thereof, is hereby assessed against and imposed upon each corporation, firm, association or person engaged in such business of two hundred dollars; that nothing in this act shall be construed to apply to a manufacturer or to a merchant who sells the goods of such manufacturer from offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods: *Provided*, that no county, city or town shall charge more than one hundred dollars.

Manufacturers
and merchants
offering definite
inducements.

Proviso: municipal and county
tax.

SCHEDULE C.

SEC. 77. *Defining taxes embraced in this schedule.*

Privilege tax.

The taxes embraced in this schedule shall be listed and paid as specially herein provided, and shall be for the privilege of carrying on the business or doing the act named, and shall be subject to other regulations mentioned in section twenty-six, under Schedule B.

Regulations under
schedule B.

SEC. 78. *Privilege tax on railroads.*

Returns of rail-
roads to auditor.

Every steam railroad company and every person operating a steam railroad in this State shall on or before the thirty-first day of August in each year make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a

true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of June, of the number of miles of road operated by each such company or person and the number of miles in the State, and the gross earnings per mile per annum during such year, which statement shall be verified by the oath of the secretary and treasurer of such companies or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

Returns to be
verified.

Auditor to certify
to treasurer.

SEC. 79. *Rate of taxation.*

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year, but do not exceed two thousand dollars, a tax of three dollars per mile; when gross earnings per mile exceed 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.

Graduated tax on
gross earnings.

Tax to be paid to
treasurer.

No county or
municipal tax.

SEC. 80. *Express companies.*

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 each express company shall make to the Treasurer of said State a quarterly report under oath, showing the amount of said business done by the said express company in this State for the quarter next preceding such report: *Provided*, no county shall levy any tax under this section. In addition to said amount to be paid to the State as aforesaid, there may be levied and collected by the several incorporated municipalities of the State of North Carolina from each express company for the privilege of doing business within the municipal limits of said incorporated municipalities a privilege or license tax to be computed and based on the population of said municipalities, as follows, to-wit: Incorporated municipalities having a population of five hundred people or less, two dollars and a half per annum; municipalities having a population of over five hundred and not exceeding one thousand, five dollars per annum; municipalities having a population of one thousand and not exceeding five thousand, ten dollars per annum; municipalities having a population of five thousand and not exceeding ten thousand, fifteen dollars per annum; municipalities having a population of ten thousand and not

Tax on revenues.

Quarterly reports
under oath.

Proviso: no
county tax.
License tax for
municipalities.

Graduation of
tax.

exceeding twenty thousand, twenty-five dollars per annum; municipalities having a population exceeding twenty thousand, fifty dollars per annum.

SEC. 81. *Telegraph companies.*

Telegraph companies.

Tax on earnings.

Quarterly installments.
Returns under oath to treasurer.

Tax to be paid to treasurer.
Penalty for default in making returns.
Tax to be paid within forty days.

Treasurer to institute action.

Further penalty.

Proviso: county and municipal taxes.

Every company, firm or person operating within this State the apparatus necessary to communication by telegraph shall pay for the privilege of engaging in the business of transmitting telegraphic messages or communication between points, both of 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 this 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*, that no county shall levy any additional tax under this section, but towns may levy the following taxes: Those having a population of one thousand and not exceeding five thousand, ten dollars; from five thousand to ten thousand, fifteen dollars; from ten thousand to twenty thousand, twenty dollars; over twenty thousand, fifty dollars.

SEC. 82. *Telephone companies.*

Telephone companies.
Tax on receipts.

Proviso: sworn statement of investments to reduce rate.

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 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.

Returns under oath to State treasurer.

Tax to be paid to treasurer. Sheriff to report to treasurer.

Penalty for default.

Collection by sheriff. *Provide*: no county or municipal tax except *ad valorem*.

SEC. 83. *Tax on corporations.*

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. 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: *Provided further*, that foreign corporations maintaining an office or offices in the State for office work only, and not for selling their goods or wares, shall pay an annual tax of one hundred dollars.

Franchise tax on corporations.

Graduated scale.

No county or municipal franchise tax. *Provide*: payment of franchise tax not to exempt from license tax.

Provide: tax payable to treasurer. *Provide*: corporations excepted.

Provide: foreign corporations.

SEC. 84. *On each marriage license, one dollar.*

Tax on marriage licenses. Sworn returns from register of of deeds. Returns filed. Payment of tax. County tax.	The tax on marriage license shall be one dollar, and shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff, on the first Monday in December, sworn statements in detail of taxes received by him under this section, and at the same time pay him the money thus received, and thereupon the sheriff shall file the statements of the register of deeds with the clerk of the Superior Court. The said marriage-license tax shall be paid to the State Treasurer by the sheriff of the county in which the same is collected when he settles for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.
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SEC. 85. *Tax on seal affixed by officers.*

Seal taxes. Great seal of state. Reciprocal tax. Seal of state department. Seal of state treasurer. Sworn statements. Scroll seals. Seals exempted. Commission to officers. Neglect of officer a misdemeanor. Punishment.	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>i. c.</i> , 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 under any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum only, as provided in the Revisal of one thousand nine hundred and five, 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.
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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 whom a permanent record of all such licenses shall be kept. The register of deeds shall be entitled to a fee of fifteen cents for each license recorded by him, to be paid by the person applying for the license.

Licenses to be countersigned.

Record of licenses.
Fee of register of deeds.

SEC. 87. *Fines for the benefit of school fund.*

Whenever any officer, including justices of the peace, receives or collects a fine, penalty or forfeiture in behalf of the State, he shall within thirty days after such reception or collection pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for establishing and maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

Officers to pay over fines and penalties.
To use of school fund.

Fines and penalties to be docketed.
If remitted, reasons to be stated.

SEC. 88. *Misappropriation of taxes deemed embezzlement.*

Any officer, including justices of the peace, violating the preceding section or appropriating to his own use any State, county, school, city or town taxes shall be guilty of embezzlement, and upon conviction shall be punished by imprisonment in the State's Prison for not less than six months nor more than five years, at the discretion of the court.

Officer appropriating taxes to his own use guilty of embezzlement.
Punishment

SEC. 89. *Duty of sheriff in case of violations of the provisions of this act.*

That it shall be and is hereby made the duty of the sheriff of each county in the State to make diligent inquiry as to whether or not all license taxes provided for under Schedules B and C of this act shall have been paid, and ascertain whether it is his duty to collect the tax or whether such license should be issued by the State Treasurer, and if it is found that the State Treasurer should issue such license the State Treasurer must at once be notified by the sheriff or tax collector; 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

Sheriff to make diligent inquiry.

Notification to treasurer.

Failure or refusal to pay license tax a misdemeanor.

Punishment.

Sheriff to swear out warrant.

Persons bound over.

Proviso: action dismissed on payment of tax and costs.

Collection by distraint.

Proviso: sheriff not liable unless malice shown.

Lists to be furnished to judge.

Judge to deliver lists to grand jury.

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.

SEC. 90. *Unless prohibited, county may levy same license tax as State.*

County license tax.

Proviso: unless specifically forbidden.

In cases where a specific license tax is levied for the privilege of carrying on any business, trade or profession the county may levy the same tax and no more: *Provided* no provision to the contrary is made in the section levying the specific license tax.

SEC. 91. *Appropriation for auditor and treasurer.*

Appropriation to treasurer.

Appropriation to auditor.

A sum not to exceed two thousand 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 two thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated to be used by the Auditor of the State for the proper enforcement of the Machinery Act.

SEC. 92. *License to be exhibited on demand.*

License to be exhibited on demand.

Arrest on failure.

Discharge on exhibition of license and payment of costs.

It shall be the duty of every person liable to any license tax under this act to exhibit his license, whether said license is issued by the sheriff or the State Treasurer, 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 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 costs.

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. Neither the State Treasurer nor sheriff shall have authority to issue a duplicate of any license unless expressly authorized to do 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.

Unlawful to transact business without possession of license.
Duplicates of license only when expressly authorized.
Violation of act a misdemeanor.

SEC. 94. *Subjects of taxation revised in this act not otherwise taxable.*

All laws imposing taxes the subjects of which are revised in this act are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed or which ought to or would have been listed or which may have been due previous to the ratification of this act: *Provided further*, that this section shall not be construed to repeal any law otherwise empowering towns or cities to impose taxes.

Conflicting laws repealed.
Proviso: effect of repeal.
Proviso: rights of cities and towns.

SEC. 95. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 439.

AN ACT AUTHORIZING THE TOWN OF ROCKINGHAM TO CONTRIBUTE TO A FUND FOR THE ERECTION OF A CONFEDERATE MONUMENT IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Rockingham are hereby authorized to pay to the Confederate Veterans' Association of Richmond County the sum of two hundred and fifty dollars out of any fund in hand to aid in the completion of the monument now in contemplation by said association in memory of the bravery and devotion of soldiers from that county in the Civil War.

Contribution by town authorized.
Amount.

SEC. 2. That the said memorial, when completed, shall be under the care and protection of the board of commissioners of said county, and full power in respect thereto is hereby invested in said board.

Care and protection of memorial.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 440.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE ASSESSMENT OF PROPERTY AND COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Former law amended.

That chapter two hundred and fifty-eight of the Public Laws of one thousand nine hundred and seven be amended so as hereafter to read as follows:

ARTICLE I.

BOARD OF STATE TAX COMMISSIONERS.

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

Corporation commission 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.

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

Board may employ clerks.

Term of office.

Record of proceedings.

Custodian of records.

Oversight of clerical force.

Appropriation for office force and additional work.

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 one thousand five 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.

SEC. 3. *Members of board to take oath of office; compensation of members of board.*

Members of board to qualify.

To devote entire time to work. Allowance of expenses.

Itemized statements of expenses.

The members of said board shall take and subscribe the constitutional oath of office, to be filed with the Secretary of State. The members of said board shall 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, to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund. Each member of said board shall file with the State Auditor an itemized statement of all expenses incurred in the performance of his duty, including livery hire and hotel expenses.

SEC. 4. *Place of meeting of board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.*

Regular sessions of said board shall be held at the office of said board in the city of Raleigh. The said board and the members thereof shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of the public records. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. Said board shall have the right to subpoena witnesses, upon a subpoena signed by the chairman of said board, directed to such witnesses, which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State; and the attendance of witnesses may be compelled by attachment, to be issued by any Superior Court upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall have the power to examine witnesses under oath, said oath to be administered by any member of said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State; and any officer or stockholder of any such corporation, any member of any such firm or any person or persons who shall refuse to permit such inspection or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the State's Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Regular sessions of board.
Access to state records.

Access to county, township and municipal records.

Power to issue subpoenas.

Service of subpoenas.
Attendance compelled by attachment.

Pay for serving subpoenas.

Power to examine witnesses.
Administration of oath.

Right to examine books and papers of corporations, firms or individuals.
Acts declared misdemeanor.

Punishment.

SEC. 5. *Time for holding regular meetings; chairman may call special meetings.*

Said board shall hold regular meetings on the first Tuesday of March, June, July, August, September and October of each year, unless said dates are changed by order of the board, of which changes due notice shall be given, and may hold adjourned sessions as may be deemed necessary by it for the proper performance of the duties devolving upon said board. The chairman may call special sessions of the board whenever and wherever in the State he may deem it advisable so to do, and shall call such special sessions upon the written request of two members.

Times of regular meetings.

Notice of change.

Adjourned sessions.

Special sessions.

SEC. 6. *Duties of the board.*

Duties of board.

It shall be the duty of the board :

General supervision of listing and assessing officers.

(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.

To confer with and advise officers.
To institute proceedings to enforce penalties and liabilities.
To prefer charges against 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.

Attorney-general and prosecuting officers to assist.

To receive and investigate complaints.
To correct irregularities.

(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.

Visits to counties.

(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.

To require reports from officers.

(5) To require from any registers 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 matters 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, shall 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.

Penalty for neglect or refusal to furnish report, or hindrance to commission.

Presumption of willful delay.
To investigate laws and systems of other states and countries.

(6) To make diligent investigation and inquiry concerning the revenue laws and systems of other States and countries, so far

as the same is made known by published reports and statistics and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate the assessment and collection of public revenues.

Recommendations
to legislature.

(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.

Reports to
legislature.

(8) To discharge such other duties as are or may be prescribed by law.

To discharge
other duties.

SEC. 7. *Board to make annual report to the Governor.*

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.

Annual reports
to governor.

Report to be
printed.

Distribution of
report.

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 assessment 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

Tax lists subject
to inspection of
board.

Procedure for
correction of tax
list.
Order on assessor
or lister com-
plained of.

Time and place
for appearance.

Notice of time
and place to be
published.

Personal notice to parties in interest.	paper printed in said county, if there be any, at least five days before the time at which said assessor or lister is required to appear, and personal notice shall be given by mail to said persons whose property or whose assessments are to be considered at least five days prior to said hearing. A copy of said order shall 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 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 served on tax officer.	
Board or member to appear with tax list.	
Hearing.	
Parties in interest may appear and be heard.	
Entries by board or member on tax list.	
Certificate of review.	
Pay of tax officer.	
Action of board final.	

SEC. 9. Board may order general review of tax list.

Grossly irregular lists subject to general review.	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 cannot 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
Time and place to be stated in order.	
Assessor to appear with tax lists.	

in said county in which said list was made as said board shall deem most convenient for the hearing herein provided for. A notice of the time and place that said assessor is required to appear with said list, together with a statement that said list will be subjected to general review and that all persons interested therein may be heard at said time, shall be published in a newspaper published at the county seat of said county, if there be one; if not, in some newspaper printed in said county, if there be any, at least seven days before the time at which said assessor is required to appear. A copy of the order made as aforesaid shall be served upon the tax officer in whose possession said list shall be at least three days before he is required to appear with said list. The said board or any member thereof shall appear at the time and place mentioned in said order, and the tax officer upon whom said notice shall have been served shall appear also with said tax list. The said board or any member thereof, as the case may be, together with the chairman of the board of county commissioners, shall then and there review said tax list and the assessment of property therein, and he or they shall have power to determine in accordance with law the amount at which said assessments shall be placed, and to change the same so that said assessments may comply with the law; also to place upon said list property omitted therefrom, in the same manner as provided in the last preceding section. The determination of said board or members thereof acting in said review shall be placed in a column provided for that purpose, and they or he shall proceed in all respects as provided in the last preceding section; and the tax officer shall receive the same compensation as provided in said section.

Notice to be published.

Copy of order served on tax officer.

Procedure at hearing.

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 to the proper assessing officer, and the same shall be listed for taxation upon the next tax list that shall be made and shall be valued as all other property. The said board shall further certify to the board of county commissioners of the several counties at the October session thereof next after said property shall be then listed for taxation, and said board of county commissioners shall ascertain the rate of taxation for said several years and shall order the taxes for said several years to be entered against said property upon the valuation for the then current year, and the same shall be so entered in a column provided for that purpose, and it shall constitute a charge against the person or property and be collected as other taxes: *Provided, however*, that this provision shall not be deemed to relate back prior to the going into effect of this act: *Provided further*, that in case of change of ownership of the property omitted, said taxes shall not be entered against said property prior to the last change of ownership.

Property not listed in previous years.

Valuation. Certificate to county commissioners.

Taxes for prior years entered against property.

Tax to be collected as other taxes.
 Proviso: limit to retroactive assessment.
 Proviso: change of ownership.

ARTICLE II.

SEC. 11. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

Exemptions from poll tax.	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.
Certificate of 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.
Collection of poll tax by attachment.	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.:
Refusal of employers to furnish lists of employees a misdemeanor.	
Form of attachment.	

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 one thousand nine 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.

Fee of sheriff and justice.	For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.
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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 seven, and every fourth year thereafter, appoint three discreet freeholders 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.

Appointment of list takers and assessors.

Valuation of property.

Assessment in accordance with valuation. Assessors to meet and organize.

Secretary to be list taker.

Clerical work.

Board to administer oaths.

Assessment to continue in force

SEC. 13. *Real property to be assessed at its true value in money.*

Real property shall be valued by the assessors, either from actual view or from the best information that the assessors can practically obtain, according to its true value in money. In determining the value the assessors shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries or other valuable deposits known to be available therein, and their value.

Real property to be valued according to true value in money. Basis of valuation.

SEC. 14. *All articles of personal property to be assessed at their true value in money.*

All articles of personal property shall, as far as practicable, be valued by the assessors according to their true value in money; and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have sufficient evidence upon which to form a belief that such person has other personal property, consisting of money, credits, debts due or to become due, or any other thing of value

Personal property valued according to true value in money.

Suspected concealments reported to county commissioners.

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."*

Market value and true value defined

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation fairly assessed at 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 cash sale when sold in such manner as such property and subjects are usually sold.

SEC. 15. *Board of assessors shall advertise in five places.*

Advertisement for listing.

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 taxpayers to return to the list takers all the real and personal property which each taxpayer 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.

Places and times.

Proviso: assessments in cities and towns.

Pay of list takers and assessors.

SEC. 16. *Tax commissioners to prepare instructions for assessors and listers.*

Tax commissioners to prepare instructions.

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.

Points for particular attention.

Advisement and explanation.

Distribution of instructions.

SEC. 17. *Oath of tax listers and assessors.*

Returns of assessments under oath.

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:

"We, the list takers and assessors of Township, Form of oath. of County, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real and personal property required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

Before entering upon the discharge of the duties of their office, they shall also take and subscribe the following oath before the chairman of the board of county commissioners for their respective counties, or some officer qualified to administer oaths: List takers and assessors to qualify.

"I,, list taker (or assessor) of Town- Form of oath. ship, 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.*

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.

County board of equalization.

Time of meeting.

Chairman.

Returns laid before board.

Rules for equalization.

Increase of valuation.

Reduction of valuation.

Matters for consideration in valuing real property.

SEC. 19. *Compensation of list takers and assessors.*

Compensation of list takers and assessors.

Per diem of board of equalization.

Mileage.

Per diem and mileage paid by county.

The board of county commissioners shall allow each list taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meetings of the board of equalization. The per diem and mileage as provided in this section shall be paid by the county.

SEC. 20. *List takers and assessors to make out their accounts; when entitled to compensation.*

List takers and assessors to file sworn accounts.

Lists, schedules, statements and books to be filed before payment.

Not entitled to pay but on compliance with law. County commissioners to judge of days necessary.

List takers in years when no assessment made.

Proviso: list takers in cities and towns.

Compensation of list takers.

Correction of values for improvement or destruction.

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.

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. 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.

SEC. 22. *Township list takers.*

List takers to advertise.

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 taxpayers to

return to him all real and personal property which each taxpayer 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.

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, investments in bonds, stocks, joint-stock companies, annuities or otherwise, and the value of improvements on real estate since same was assessed, in his possession or under his control on the first day of June, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor or otherwise: *Provided*, that whenever personal property has been conveyed in trust and the trustee resides out of the State, but the trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of June and where the deceased persons resided on the date of their death, unless such wards or deceased persons were nonresidents 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 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 *cestuis 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.

Lists as of first of June to be returned during June.

Owner to file verified lists of all property.

Property held as owner or in other relation to be returned.

Proviso: property held in trust by nonresident trustee.

Place of listing property held by fiduciaries.

Proviso: personal property held in trust listed at residence of *cestui que trust*.

Bank stock held in trust.

Guardian exempt from municipal tax on property of nonresident ward.
Evasion of tax a misdemeanor.

Punishment.

One-half fine to informant.

List to be given by person charged.
Proviso: agents for listing property.

Returns of corporations made by officers.

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 nontaxpaying securities, or surrenders any taxable property for nontaxable property, and after the date of listing property has passed takes said certificates or other taxable property back and gives up said nontaxpaying securities or property, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars (one-half of which shall go to the informer) or imprisoned not less than one month nor more than six months, or both.

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 nonresidents 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.

SEC. 25. *Where to list real estate, timber, mineral and quarry lands.*

Property listed where situated.

Interests listed separately.

Mineral, quarry or timber interests to be described.

Timber interests.

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.

SEC. 26. *Where polls and personal property shall be listed.*

Polls and personal property listed where owner resides.
Exceptions.
Shares of stock.

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:

(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 that 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, dockyard, pilingground, 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: *Provided*, that all farm products, while owned by the raiser or producer, shall be listed where raised, and that all manufactured goods consigned or stored out of the State shall be listed where the owner resides. 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. For the purpose 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. Any taxpayer who fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor.

Goods and chattels in place of storage.

proviso: farm products.

Goods consigned or stored outside of state.

Residence defined.

Residence of corporation.

Copartnership property listed in name of firm. Residence of copartnership.

Liability sole for partnership tax. Failure to list personal property or poll a misdemeanor.

SEC. 27. *Debts owing by taxpayer may be deducted.*

At the time and place appointed by the list taker, the taxpayer 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 taxpayer, 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 reinsurance reserve.

Taxpayer to file lists.

Blanks prepared by auditor.

Statement of income. Deductions allowed from credits.

SEC. 28. *Penalty for not listing personal property.*

Any person, firm or corporation in this State owning or holding personal property of any nature or description, individually or as agent, trustee, guardian, administrator, executor, assignee or receiver, which property is subject to assessment, who shall intentionally make a false statement to the assessor of his assessment district, or to the board of equalization thereof, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars or major fraction thereof so withheld from the knowl-

Penalty for false statement.

Investigation by sheriff on complaint.

Action to be brought.

Penalties paid into county treasury.

Duty of tax lister to actually administer oath.

Failure to administer oath a misdemeanor.

Punishment.

Penalty.

One-half penalty to informant.

edge 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 taxpayer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the assessor or board of equalization or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

SEC. 29. *Tax lister shall administer oath.*

It shall be the duty of the tax listers of the several counties of the State, before receiving the returns of any taxpayer, to actually administer the oath required by law of taxpayers, the oath being read by the taxpayer in the presence and in the hearing of the lister, or by the lister in the hearing and presence of the taxpayer; 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.

SEC. 30. *Oath of taxpayer.*

Taxpayer to swear to statement.
Form of oath.

The taxpayer 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."

SEC. 31. *Property held in trust listed separately.*

Property held in fiduciary capacity or in right of a married woman listed separately.
Liability of sheriff for failure to report false return.

Fraud to be reported to grand jury.

Property held in trust or as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a *feme covert*, shall be returnable 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.

List to state all property.
Age stated with reference to poll tax.

SEC. 32. *What shall be specified on tax list.*

The list shall state all the property of the taxpayer, and also the age of the party, if a male, with reference to his liability

to a poll tax. The list shall also contain, as of the first day of June: (1) The quantity of land owned in the township, and the land shall be described by name, if it has one; otherwise, in such a way that it may be identified. (2) The number of horses, mules, jacks and jennets, in one column; goats, cattle, hogs and sheep, in another column. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, firearms, libraries and scientific instruments, specifying the articles separately. (4) Money on hand. (5) The amount of credits, including accrued interest uncollected owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account or due and payable, whether owing by any State or government, county, city, town or township, individual, company or corporation; the value of cotton, tobacco or other property in the hands of the commission merchants or agents in or out of the State. 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 collectible 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 nonresident 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. (12) The auditor is authorized to provide a separate heading in tax-listing sheets for listing all seines, nets, boats and other fishing apparatus.

Quantity and description of land.

Number and kind of live stock.

Farming utensils, tools, furniture, provisions, firearms, libraries and scientific instruments.
Money on hand.
Credits.

Farm products or other property in hands of agents.

Credits given at current value.

Deductions.

Bank deposits.

Money investments, stocks and bonds.

All other personal property.

Income.

If party nonresident, list to state address and name agent.

Unlisted credits not recoverable by action.

Separate heading for seines, nets, boats and other fishing apparatus.

SEC. 33. *Bank taxation.*

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

Taxes on bank stock paid by cashier to state treasurer.

Action for enforcement of payment.	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: <i>Provided</i> 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 nonresidents of this State in such bank, banking association or savings institution located in that county the said tax imposed for school, county and municipal purposes: and the said bank is authorized and empowered to deduct such tax from the dividends of said nonresident stockholders. 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 Corporation Commission, in the name and for its shareholders, all the shares of its capital stock, whether held by residents or nonresidents, 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 Corporation Commission by the cashier of such institution. If the Corporation Commission shall have reason to believe that the market or actual value as given in is not its true value, it shall ascertain such true value by such examination and investigation as to it seems proper, and change the value as given in to such an amount as it ascertains the true
Action tried at return term. Proviso: time of filing complaint. Precedence of action. County and school tax of resident stockholders.	
County, school and municipal tax of nonresident stockholders.	
Deduction of tax from dividends. Determination of value.	
Banks to list real estate.	
Shares listed with corporation commission.	
List at market or actual value.	
Value of property listed to be deducted.	
Ascertainment of actual value.	
Deduction of insolvent debts.	
Examination by corporation commission.	

value to be, which action on the part of the Corporation Commission may be reviewed by the Superior Court by an action brought against the Corporation Commission in its official capacity by the party aggrieved. But no action shall lie until all taxes admitted by such aggrieved party to be due shall have been paid or tendered. In listing the shares for State taxation, such bank, banking association or savings institution shall file with the Corporation Commission 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, 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 Corporation Commission of the State. It shall also be the duty of the Corporation Commission 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 Corporation Commission 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 Corporation Commission. 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

Review of action of commission.

No action to lie until taxes paid or tendered.

Sworn lists of shareholders.

Lists of shareholders to be furnished to counties.

Corporation commission to certify shareholders to counties.

Shares listed for county, school and municipal taxes.

Computation of municipal tax.

Proviso: value fixed by corporation commission.

Resident stockholders to list stock where resident.

Shares of non-residents to be listed where bank is located.

All shares to be listed.

Powers of officers for enforcement of listing.

Rate of bank tax.

Corporations to report to corporation commission.

Report to state:

Authorized capital.
Authorized number of shares.
Number of shares issued.
Par value.
Amount paid on each share.
Amount paid in.
Amount on which dividend was declared.
Date of each dividend.
Amount of each dividend.

Highest sale price between 1st and 15th of May.
Highest sale price for year.
Average sale price for year.
Sworn statement and appraisal of value of stock.

and municipal taxation. All shares, whether owned by residents or nonresidents, 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 nonresidents, as they have for enforcing the listing of other personal property. The taxation of shares of any such bank, banking association or savings institution shall not be at a greater rate than is 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 especially mentioned by name in 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 Corporation Commission 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; highest price of sales of stock during the year aforesaid; 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 esti-

mated and appraised they shall forthwith forward to the Corporation Commission 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 Corporation Commission or either of them is not satisfied with the appraisement and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to such corporation by said Corporation Commission, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be allowed to exercise their right of appeal it shall, within twenty days after notice of such settlement, file with the Corporation Commission exceptions to the particulars to which it objects, and the grounds thereof, and said Corporation Commission shall hear said exceptions, after ten days' notice of such hearing given by said Corporation Commission 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 Corporation Commission of such appeal to said Superior Court, and the Corporation Commission 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 evidence considered in making said decision. The said cause shall be placed on the civil 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 Corporation Commission 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 Corporation Commission as herein provided, it shall be the duty of the Corporation Commission to

Certificate forwarded to corporation commission.

Proviso: valuation by corporation commission.

Settlement of account on valuation.
Notice of settlement.
Right of appeal.

Exceptions filed.

Corporation commission to hear exceptions.
Exceptions overruled.

Notice of appeal.

Record on appeal.

Cause to be docketed and have preference.

Entitlement of cause.

Appeal to supreme court.

Advancement of cause on docket.

Valuation by corporation commission on neglect or refusal of corporation.

estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships or joint-stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The Corporation Commission is forbidden to divulge or make public any report of a corporation required to be made to it by this section. The Corporation Commission shall prepare and keep a record book, upon which it shall enter a corporate list of all the corporations and banks which it has assessed for taxation, and said record shall show the assessed valuation placed upon same by it.

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 Corporation Commission 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. They shall deduct from such valuation the actual 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.

SEC. 36. No exceptions 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 corporations.

SEC. 37. Corporation Commission to make certificate to register of deeds.

The Corporation Commission 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 Corporation Commission.

County township and municipal taxes.

SEC. 38. *Penalty for failure to furnish reports.*

If the said officers of any such limited partnership, joint-stock association or corporation shall neglect or refuse to furnish the Corporation Commission, 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 Corporation Commission to add five per centum to the tax of said limited partnership, joint-stock association or corporation for each and every year for which said report and appraisement were not furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling and collecting such taxes. If the officers of any such limited partnership, joint-stock association or corporation, or any of them, shall intentionally fail to comply with the 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 for failure to report.

Five per cent added to tax.

Continued failure a misdemeanor.

Punishment.

SEC. 39. *Foreign building and loan associations.*

All foreign building and loan associations doing business in this State shall list for taxation with the Corporation Commission, 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 by the list taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or person who shall collect dues, assessments, premiums, fines or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court. All of said taxes shall be paid by the association listing said stock.

Stock held by residents in foreign associations.

Withdrawal value furnished.

Basis of valuation.

Association barred for failure to list.

Local officers transacting business guilty of misdemeanor.

Punishment.

Tax paid by association.

SEC. 40. *Telegraph companies.*

Telegraph company defined.

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:

Sworn statements to be filed.

Total capital.

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

Number of shares outstanding and par value.

Second. The number of shares of capital stock issued and outstanding, and the par value of each share.

Principal office.

Third. Its principal place of business.

Market value.

Actual value if no market value.

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.

Property subject to local taxation, with location and assessed value.

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.

Real estate outside of state.

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.

Mortgages on property of company.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Length of lines.

Length of lines outside of state.
Length of lines in state by counties and townships.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of such of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 41. *Telephone companies.*

Telephone companies to file sworn statement.

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, Total capital.
copartnership or corporation invested in the operation of such
telephone business.

Second. The number of shares of capital stock issued and out- Number of shares
standing, and the par or face value of each share. outstanding and
par value.

Third. Its principal place of business. Principal office.

Fourth. The market value of said shares of stock on the thirty- Market value, and
first day of March next preceding; and if such shares have no if no market,
market value, then the actual value thereof. actual value of
shares.

Fifth. The real estate, structures, machinery, fixtures and ap- Property subject
pliances owned by said association, company, copartnership or to local taxation,
corporation and subject to local taxation within the State, and with location and
the location and assessed value thereof in each county where the value.
same is assessed for local taxation.

Sixth. The specific real estate, together with the permanent im- Real property
provements thereon, owned by such association, company, co- outside of state.
partnership or corporation situated outside the State of North
Carolina and not used directly in the conduct of the business,
with a specific description of each such piece, where located, the
purpose for which the same is used and the sum at which the
same is assessed for taxation in the locality where situated.

Seventh. All mortgages upon the whole or any of its property, Mortgages on
property of com-
pany.

Eighth. (a) The total length of the lines of said association or Total length of
company; (b) the total length of so much of their lines as is out- lines.
side the State of North Carolina; (c) the length of the lines Mileage outside of
within each of the counties and townships within the State of state.
North Carolina. Mileage within
state by counties
and townships.

SEC. 42. *Express companies.*

Every joint-stock association, company, copartnership or cor- Express com-
poration, incorporated or acting under the laws of this State or panies defined.
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 com-
pany or the managers, lessees, agents or receivers thereof (pro-
vided such joint-stock association, company, copartnership or cor-
poration 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, copartner-
ship or corporation making such statement, with reference to the
thirty-first day of May next preceding, showing:

Sworn statements
to be filed.

Total capital.	First. The total capital stock or capital of said association, copartnership or corporation.
Number of shares outstanding and par value.	Second. The number of shares of capital stock issued and outstanding and the par or face value of each share; and in case
Division of capital if no shares issued.	no shares of capital stock are issued, in what manner the capital stock thereof is divided and in what manner such holdings are evidenced.
Principal office.	Third. Its principal place of business.
Market value, and if no market, actual value.	Fourth. The market value of said shares of stock on the thirty-first day of May next preceding; and if such shares have no
Value of capital if no shares issued.	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.
Property subject to local taxation, with location and value.	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.
Property outside this 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 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.
Mortgages on property of company.	Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.
Total mileage used by company.	Eighth. (a) Total length of the line or routes over which such association, company, copartnership or corporation transports such
Mileage outside this state.	merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina;
Mileage within the state by counties and townships.	(c) the length of such lines or routes within each of the counties or townships within the State of North Carolina.

SEC. 43. *Sleeping-car companies.*

Sleeping-car companies defined.

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 officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

Sworn statement to be filed.

First. The total capital stock of such sleeping-car company invested in its sleeping-car business.

Total capital.

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.

Number of shares and par value.

Third. Under the laws of what State it is incorporated.

In what state incorporated.

Fourth. Its principal place of business.

Principal office.

Fifth. The names and post-office addresses of its president and secretary.

Name and address of president and secretary.

Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping-car business on the thirty-first day of May next preceding such report.

Value of shares.

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 assessed value thereof in each county within this State where the same is assessed for local taxation.

Property subject to local taxation, with location and value.

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

Mortgages on property of company.

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 lines of 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:

Total mileage used. Mileage used outside of state.

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

Mileage within state.

Proviso: double-track roads.

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

Statement in detail when required.

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 commission shall thereupon notify by registered letter the officer

Notice to company of assessment.

attesting such report of the amount assessed against it, and such sleeping-car company shall have thirty days within which to appear and make objection, if any it shall have, to said assessment.

Time for filing objections.

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

Bill for state taxes.

State taxes upon said assessment, and such sleeping-car company shall have thirty days within which to pay said taxes; and the clerk of the Corporation Commission shall certify to the county commissioners of the several counties through which such cars are

Time for payment. Assessments certified to counties.

used the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail; and such value, so certified, shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the sheriff or county tax collector shall send to the address given by the clerk of the Corporation Commission to the county commissioners by registered mail a bill for the total amount of all taxes due to such county, and such sheriff 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.

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.

SEC. 45. Every street railway company, waterworks 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 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:

County assessments.
Bill for county taxes.

Time for payment.

Penalty for failure to pay.

Refrigerator and freight car companies taxed as sleeping-car companies.

Proviso: assessment where cars not leased.

Street railway companies and companies exercising right of eminent domain. Sworn statement to be made.

First. The total capital stock of such association, company, Total capital.
copartnership or corporation.

Second. The number of shares of capital stock issued and out- Number of shares
standing, and the par or face value of each share. and par value.

Third. Its principal place of business. Principal office.

Fourth. The market value of said shares of stock on the thirty- Value of shares.
first day of March next preceding; and if such shares have no
market value, then the actual value thereof.

Fifth. The real estate, structures, machinery, fixtures and ap- Property subject
pliances owned by said association, company, copartnership or cor- to local taxation,
poration and subject to local taxation within the State, and the with location and
location and assessed value thereof in each county where the same value.
is assessed for local taxation.

Sixth. The specific real estate, together with the permanent im- Property outside
provements thereon, owned by such association, company, copart- of state.
nership or corporation situate outside of the State of North Caro-
lina 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 as-
sessed for taxation in the locality where situate.

Seventh. All mortgages upon the whole or any part of its prop- Mortgages on
erty, together with the dates and amounts thereof. property of com-
pany.

Eighth. (a) The total length of the lines of said association or Total mileage.
company; (b) the total length of so much of their lines as is out- Mileage outside of
side of the State of North Carolina; (c) the length of the lines state.
within each of the counties and townships within the State of Mileage within
North Carolina. state by counties
and townships.

SEC. 46. *Board of Corporation Commissioners may require addi-
tional information.*

Upon the filing of the statements required in the preceding sec- Corporation com-
tions the Board of Corporation Commissioners shall examine them mission may
and each of them; and if the commissioners shall deem the same require other and
insufficient, or in case they shall deem that other information is further state-
requisite, they shall require such officer to make such other and ments.
further statements as said commissioners may call for. In case
of the failure or refusal of any association, company, copartner-
ship or corporation to make out and deliver to the Board of Cor-
poration 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 be-
yond 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 Caro-
lina on the relation of the Corporation Commission, and such pen-
alty, when collected, shall be paid into the general fund of the
State. Forfeit for failure
or refusal.

SEC. 47. *Corporation Commission shall examine statements.*

Corporation commission to value and assess property.

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.

Powers of corporation commission.

SEC. 48. *Manner of assessment.*

Corporation commission to ascertain values.

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

Method of ascertainment.

Proviso: amount of mortgages added.

Local assessments as guide to value.

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

Proportionate value.

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 lines or routes of such associations, companies, copartnerships or corporations, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the State of North Carolina. 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, together with the franchise value, shall be certified by the commission to the counties and municipalities where located on basis of wire mileage in such county or town 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 forty, forty-one, forty-two, forty-three, forty-four and forty-five 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.

Telegraph and telephone companies.
Express and sleeping-car companies.

Corporation commission to assess property subject to local taxation.

Assessments certified to localities.

Property subject to local taxation deducted from total value.

SEC. 49. *Value per mile.*

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.

Assessment of value per mile.

Method of assessment.

SEC. 50. *Total value of each county.*

Said Corporation Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation in each county in the State, through, across and into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above ascertained, by the number of

Assessment apportioned to counties.

Valuation certified to county commissioners. miles in each 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.

State taxes to be paid to treasurer.

SEC. 51. *Companies failing to pay tax.*

Actions for enforcement of payment on failure or refusal.

Penalty.

Where suit may be brought.

Actions for part or all of tax.

Attorney-general may unite actions.

County taxes credited to county.

Penalties to use of state.

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 districts 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 attorneys' 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 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 refer-

ence 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.

Proviso: assessment and apportionment not to be controverted.

SEC. 52. *Railroads.*

The commissioners selected from time to time under 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 commission appraisers and assessors for railroad and other companies.

SEC. 53. *Railroads.*

The president, secretary, superintendent or other principal accounting officers, within this State, of every railroad, telegraph, telephone, street railway company, whether incorporated by the laws of this State or not, shall, at such dates as real estate is required to be assessed for taxation, return to the said commission for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following-described property belonging to such corporation within this State, viz.: The number of miles of such railroad lines in each county in this State and the total number of miles in this State, including the roadbed, right of way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses and the land upon which situated and necessary to their use; water stations and land, coal chutes and land, and real estate and personal property of every character necessary for the construction and successful operation of such railroad or used in the daily operation, whether situated on the charter right of way of the railroad or on additional land acquired for this purpose, except as provided below, including, also, if desired by the 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, storehouses and contents located outside of the right of way, and also real and personal property, other than the property as returned above to the Corporation Commission, 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 requested so to do by the Corporation 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, which value shall be deducted from the total value of the property of such railroad company as arrived

Sworn returns to be made.

Property to be returned.

Proviso: property listed where located.

List filed with corporation commission.

Certificate from register of deeds.

at by the commission, in accordance with section fifty-five, before the apportionment is made to the counties and municipalities. The registers 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.

SEC. 54. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purposes 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 cars, pay cars, hand cars and all other kinds of cars, and the value thereof, and a statement or 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 tangible property in the State; (6) and, if desired, all the information heretofore required to be annually reported by section five thousand two hundred and ninety-one of the Revisal. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the commission, and with reference to amounts and values on the first day of June of the year of which the return is made.

SEC. 55. *Tangible and intangible property assessed separately.*

(a) 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.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses, and particularly by

consideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

(c) The aggregate value of the physical or tangible property and the franchise as thus determined shall be the true value of the property for the purpose of an *ad valorem* taxation, and shall be apportioned in the same proportion that the length of such road in each county bears to the entire length of such division or branch 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, 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.

Value for taxation.

Apportionment to counties.

Certificate to counties.

Certificate to auditor.

State taxes paid to treasurer.

Action to enforce payment.

Penalty.

Taxes assessed by counties.

SEC. 56. *Railroads.*

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 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 argument and communications to be presented in writing.

Proportionate assessment of railroad partly outside the state.

Hearing to companies.

Argument and communications in writing.

SEC. 57. *Railroads.*

If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed; and if the lessee or operating company, being a foreign corporation, be the owner

Taxes on leased railroads.

Other property of lessee company.

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.*

Power to summon and examine witnesses and require production of books and papers.

Refusal to attend or to produce books and papers or to answer questions a misdemeanor.

Punishment.

Punishment for contempt.

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.

SEC. 59. *Canal and steamboat companies.*

Canal and steamboat companies assessed as railroads. Assessment on failure of officer to file returns.

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.

SEC. 60. *Private banks and bankers.*

Banks, bankers, brokers and stock jobbers to file sworn statements.

Amount of property on hand and in transit. Amount of funds subject to draft. Checks and other cash items. Bills receivable and other credits.

Every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing (1) the amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers or brokers and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted or purchased, and other credits due or to become due, including interest receivable

and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants, and other municipal securities and shares of capital stock or joint stock of other companies or corporations held as an investment or any way representing assets; (6) all other property appertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act; (7) the amount of deposits made with them by other parties; (8) the amount of all accounts payable, other than current deposit accounts; (9) the amount of bonds and other securities exempt by law from taxation, specifying the amount and the kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Bonds, stocks and other securities.

All other property except real estate. Assessment of real estate.

Deposits made with them. Accounts payable. Bonds and other securities exempt from tax.

Items listed as moneys.

Amounts deducted.

Remainder listed as credit. Securities exempt deducted from total securities. Remainder listed as bonds or stocks.

SEC. 61. *Stockbrokers and private bankers.*

No person, bank or corporation shall, without a license authorized by law, act as a stockbroker 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, banknotes 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 stockbroker. A stockbroker shall have the right to buy for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, banknotes 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 stockbrokers, whether in an office 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 nor more than five thousand dollars for each offense.

Acting as stockbroker or private banker without license forbidden. Stockbroker defined.

Rights of stockbrokers.

Private bankers defined.

Tax for privilege. Fine for violation of section.

SEC. 62. *Taxpayer refusing to answer guilty of a misdemeanor; list taker and chairman board of commissioners may examine witnesses.*

Refusal to answer questions or to file, sign and swear to returns a misdemeanor. Punishment. 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.

Assessor or list taker to prosecute. Completion of list. Power to send for persons and papers, examine witnesses and administer oaths.

SEC. 63. *What property exempt.*

Exempted real estate. Property of the United States or this state.

Property of counties, cities, towns or school districts. Property used exclusively for educational purposes. Graveyards and burial lots.

Property of churches and religious bodies used exclusively for religious worship or residence of minister.

Occasional leasing not to forfeit exemption.

Property wholly devoted to educational purposes.

Property of religious associations, asylums, reformatories, hospitals and nunneries.

The following real estate, and no other, shall be exempt from 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.

(2) Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

(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 of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building. The occasional leasing such buildings for schools, public lectures or concerts or the leasing of such parsonages shall not render them liable to taxation.

(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.

(5) Real estate belonging to and 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.

(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.

Property of benevolent and charitable associations.

Rents when used for charitable and benevolent purposes.

(7) The property of Indians who are not citizens, except lands held by them by purchase.

Property of indians not citizens.

The following personal property, and no other, shall be exempt from taxation, State and local:

Exemptions of personal property.

(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.

Property owned by this state or the United States. Property of counties, cities, towns or school districts.

(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 ministers' private libraries.

Furniture of buildings used for churches or for residence of ministers.

(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.

Furniture in buildings devoted to educational purposes.

Permanent endowment fund. *Provido*: exempted institutions not to be conducted for profit.

(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.

Property of religious associations, asylums, reformatories, hospitals and nunneries.

(5) The furniture and furnishings of buildings and other property belonging to any benevolent or charitable association and used for lodge purposes and meeting rooms by said associations, or when such property or the proceeds of same is used for charitable or benevolent purposes.

Furniture of lodge rooms.

Wearing apparel,
libraries, house-
hold and kitchen
furniture.
Growing crops.

(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.

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 clerks 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.

Time for sending
forms.
Delivery to list
takers and
assessors.

SEC. 65. *Lists shall be completed by the second Monday in July; shall make a return of polls and property not listed.*

Time for return
by list takers.

The list takers 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 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 of delin-
quents.
Returns open to
inspection.

Copy.

Fee for copy.

SEC. 66. *Oaths of list takers.*

List taker to
swear to returns.

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:

Form of oath.

"I....., list taker of....., in the county of do solemnly swear (or affirm) that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned as set forth in that statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of any person, company or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in 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 him, in regular order, 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, 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. Lists of exempted property.
Return of lists.
Duplicates to corporation commission.

SEC. 68. *Equalization of values.*

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them; and it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable to each person, affixing the same opposite his name. The board of commissioners shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property or the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the list of the list takers as may be right and just, 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 Meeting of county commissioners for revision of tax lists.
Register of deeds to compute tax.
Session of commissioners.
Objections to be heard.
Power to summon and examine witnesses and correct list.
Power to raise valuation.
Taxes listed before board.
Fee to clerk.
Ascertainment of value.

Addition to tax.

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. *The taxpayer may complain to board of commissioners.*

Complaints of valuation to be in writing.

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, including 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.

Commissioners to hear evidence.

True account to be rendered.

Account certified to auditor.
Credit to sheriff.

Sec. 70. *Commissioners may give certificate of relief granted.*

Procedure if application for relief is after sheriff's settlement.

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 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 requirements 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.

Record and certificate of relief.

Copy of record.

Fee.

Copy transmitted to auditor.

Auditor to issue warrant.
Treasurer to pay warrant.

Sec. 71. *Sheriff may recover overpayment by error.*

Sheriff overcharged by error in abstract.

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.

Auditor to issue warrant.

Treasurer to pay warrant.

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 have so escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the Corporation Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years: *Provided*, this shall not apply beyond five years. In all cases where any personal property, chose in action or any property, except land liable to taxation, shall have been omitted or shall be omitted in any future year from the tax list by the owner or person required by law to list the same, the board of commissioners shall enter the same on the duplicate of the next succeeding year and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value and to ascertain the persons liable for the tax upon said personal property. The provisions of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charter 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.

Property entered for lapsed years.

Taxes.

Additional tax.

Corporation commission to list railroad property. Assessment of omitted property.

Proviso: limit of power. Personal property omitted to be entered.

Limit of power.

Additional tax.

Assessment.

Powers extended to municipalities.

SEC. 73. *The board of commissioners shall insert omitted property.*

The chairman of the board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with double the tax 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,

Omitted property inserted.

Double tax for failure to list.

Willful failure to list property a misdemeanor.

Punishment.

County commissioners to present delinquents.

Changes as to real estate to be reported and noted.

Search for property not listed.

Proviso: limit of cost.

Division of expense.

Proviso: commissioners not to appoint tax collector.

Tax lists made out in duplicate.

Form furnished by auditor.
Columns in tax list.

Copy for county commissioners.

Copy delivered to sheriff or tax collector.

Order to collect.

Force and effect of order.

Appeals noted.

Form of order.

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. It shall be the duty of the commissioners of each county to employ a competent man, whose duty it shall be to spend such time as the commissioners may deem necessary to make diligent search for property not listed for taxes and to put such property on the tax books: *Provided*, the cost of listing such unlisted property shall not exceed ten per cent of the revenue so derived, said expense to be divided pro rata between the State and county: *Provided further*, that nothing in this section shall be construed as authorizing or empowering the county commissioners to appoint tax collectors.

SEC. 74. *Register of deeds to make out tax duplicates.*

The board of county commissioners shall cause the register of deeds to make out two copies of the tax list for each township, as revised and settled by the tax lister, according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the sum due by each taxpayer 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:

STATE OF NORTH CAROLINA—..... County.

OFFICE BOARD OF COMMISSIONERS County.

To the Sheriff of County:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal, day of, 190..

.....
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.

Limit of amount.

SEC. 75. *Agents 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.

Agents charged with taxes to have lien on property charged.

SEC. 76. *Register of deeds shall make report to auditor.*

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and negro polls, separately, and specify every other subject of taxation and the amount of State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Registers of deeds to return abstracts to auditor.
What lists to contain.

Abstracts of county taxes.

SEC. 77. *Penalty for register of deeds failing to make report.*

If any register of deeds shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the auditor a copy of the sheriff's return of taxes received under Schedules B and C of "An act to raise revenue," and a copy of the settlement of State tax account between the board of commissioners and the sheriff or tax collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State Solicitor; and it shall be the duty of the auditor to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the Superior Court shall transmit to the auditor, on or before the second Monday in October in each year,

Forfeit on register of deeds for default.

Recovery on motion.

Auditor to notify solicitor and furnish copy of register's bond.

Copies of bonds to be sent to auditor.

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.

Sec. 78. Property may be divided upon sale.

Apportionment of valuation on division of property.

Amendment of tax lists.

Proviso: amendment not to affect tax due.

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: *Provided*, that no amendment made after a tax has become due shall operate to affect that tax.

Sec. 79. Taxes due the first Monday in September.

Taxes due first Monday in September. Payment noted on tax list. Receipts for taxes.

Failure to give receipt a misdemeanor. Punishment.

Proviso: settlement and bonds of sheriff.

Receipts of state and county to be shown.

Appointment of tax collector.

Deputies collecting tax to be sworn.

Oath to be filed.

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 give 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.

Failure to pay over tax a misdemeanor.

SEC. 80. *Sheriff shall attend to receive taxes.*

The sheriff or his deputy or tax collector shall attend at the courthouse 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 taxpayer is preparing to leave the county or State. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties or their regular authorized deputies shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township, for the purpose of collecting the taxes which still remain unpaid, of which ten days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county. No costs shall accrue to or fees be collected by the sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso; and no tax due from insolvents shall be credited to the sheriff in the settlements with the auditor except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find any property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons contained in the list were insolvent at the time when by law he ought to have endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of the

Attendance at office for receiving taxes.

Attendance in townships.

Advertisement.

Proviso: levy and sale for taxes.

Fees for levy, sale and advertisement.

Proviso: time for levy of sheriffs under special law.

Attendance in March.

Advertisement.

Costs and fees.

Insolvents allowed by county commissioners.

Lists of insolvents.

Oath as to insolvents.

List to be recorded and returned to auditor.

settlement of the sheriff with the treasurer. Nothing in this section shall be construed to repeal chapter seven of the Public Laws of the extra session of one thousand nine hundred and eight.

Lists to be furnished by sheriff to corporation commission.

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.

Copy to be delivered to auditor.

Forfeit on sheriff for failure.

SEC. 81. *Clerks of cities and towns shall furnish information.*

Annual reports from cities and towns to corporation commission. Valuation of property. Amount of taxes.

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.

Indebtedness and accrued interest.

SEC. 82. *City or county indebtedness shall be reported.*

Reports of county and municipal debts to be furnished corporation commission.

Each register of deeds, city or town clerk, whenever required by the Corporation Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city or town, the purpose for which the same was incurred, and all accrued interest, if any, remaining unpaid.

SEC. 83. *City clerk or assessor failing to carry out provisions of this act.*

Penalty on city or town clerk and assessors.

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 on clerks of courts and registers of deeds.

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.

Officers to make returns on first of each month.

Payment within ten days.

Treasurer to notify auditor of failure.

Violation of 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.

Highest license charged in cases of doubt.

When business separate.

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:

(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, banknotes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Bank, banker, broker, stock jobber.

(2) Collector or collectors—county and deputy collectors, including sheriffs.

Collector or collectors.

(3) List takers and assessors have all authority conferred upon list takers in this act.

List takers and assessors.

(4) Credits—every claim or demand for money, labor, interest or valuable things due or to become due, including money on deposit.

Credits.

(5) He—male, female, company, corporation, firm, society, singular or plural number.

He.

(6) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots, or otherwise, with all things therein, but also all buildings, structures and improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anywise appertaining thereto, except where the same may be otherwise denominated by this act.

Real property, real estate, land, tract, lot.

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.

Tax, taxes.

(8) Tax, taxes—any taxes, special assessments or costs, interest, or penalty imposed upon property.

SEC. 87. *Mistakes in assessments.*

Correction of
mistakes and
omissions.

If on the assessment roll there is 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.

Order to show
cause.

Service of order.

Assessment of
property and
collection of tax.

Proceedings
instituted within
six months.

SEC. 88. *Taxes on railroads shall be a lien on property of the same.*

Lien for taxes on
railroad property
perpetual and
paramount.

The taxes upon any and all railroads in this State, including roadbed, 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.*

Removal or con-
cealment of
property or failure
to list same a
misdemeanor.

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed, for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

SEC. 90. *Sheriff to keep the records of settlement of taxes.*

Record to be kept
by sheriff.

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 courthouse until the first day of January next ensuing.

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 auditor, shall open an account against such officer and debit him accordingly. Upon the failure of the board of county commissioners to make this report to the State Auditor on or before the third Monday of January each year, he may impose a fine of one hundred dollars upon said commissioners. 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

Book to be provided by auditor.

Annual statements of sheriff.

Report to be recorded.

Abstract to auditor.

Record of abstract. Copy to be posted.

Time for settlement of state tax.

Proviso: treasurer may extend time.

Report of commissioners to auditor.

Penalty on commissioners for failure to report.

Duplicate to be filed.

Amounts charged to sheriff.

Certificate from auditor.

Certificate deposited for public inspection.

Commission of sheriff.

	collected by them for State, county, township, school district or other purposes 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: <i>Provided</i> , this shall not apply to or affect the compensation allowed sheriffs of the counties who receive salaries for the collection of taxes: <i>Provided further</i> , that the Sheriff of Wake County shall be allowed four per cent on all county and special taxes collected: <i>Provided further</i> , that the Sheriff of New Hanover County shall be allowed five per cent on county and special taxes collected.
Proviso: sheriffs receiving salaries.	
Proviso: sheriff of Wake county.	
Proviso: sheriff of New Hanover county.	
Items to be deducted by auditor.	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:
Insolvent.	(1) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectible.
Overpayments in former settlements.	(2) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables.
Commissions.	(3) The commissions allowed by law.
Per diem and mileage allowed sheriffs.	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 courthouse and the place designated by the State Treasurer, to be paid by him on the warrant of the auditor, upon certificate of the sheriff or tax collector, duly verified before the board of commissioners.
Auditor to report failure of sheriff.	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 officer and his sureties; and if the whole amount be not paid the treasurer, on motion of the solicitor in the Superior Court of Wake County, before the clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer; and to the end that obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the auditor a copy, certified un-
Deductions.	
Penalties added.	
Judgment on motion.	
Copy of sheriff's bond sent to auditor.	

der 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. Forfeit for default. Auditor to collect forfeit.

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. Settlement of county taxes. Penalty for retention of money. Monthly statements. Final settlement. Penalty for delay. Provide: commissioners may remit penalty. Provide: commissioners may extend time.

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 defendant when necessary to secure the payment of the dues. Treasurer may grant indulgence. And relinquish penalties. And bid in 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 the State taxes, all insolvents and uncollectible poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for 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: *Provided further*, that it shall be unlawful for any sheriff or tax collector, in accounting with the board of county commissioners for either the State or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any Costs and fees. Sheriff charged with county taxes. Deductions allowed. Provide: extension of time for collection and settlement. Provide: sheriff to pay money actually received

Penalty for failure.
Division of penalty.

Proviso: forfeit for misuse of tax money.

Division of forfeit.

Lien of taxes paramount.

County commissioners to appoint auditing committee.

Audit reported to board.

When approved to be recorded.

Proviso: compensation of auditing committee.

Forfeit on sheriff for failure to account and pay.

County treasurer to bring action on sheriff's bond.

Criminal liability of sheriff.

Settlements with other county officers.

such sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars, one-half of which shall belong to any person who shall sue for the same, and the other half to the county in which the sheriff resides: *Provided further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or State taxes otherwise than as directed by law shall forfeit double the amount of his commissions on county and State taxes for the year in which he so misused said taxes, one-half to belong to any person suing for the same and one-half to the county in which such sheriff resides. No mortgage or lien on any property shall be superior to the taxes on said property, whether said mortgage or lien was given prior or subsequent to the levy of the taxes.

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 settlement between the sheriff and county treasurer provided for in the preceding section, and also to audit and settle accounts of the county treasurer and all other county officers authorized to receive or disburse county funds. The account so audited shall be reported to the board of county commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or special error: *Provided*, the compensation allowed the committee for their services shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

SEC. 99. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and auditing 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 two thousand five hundred dollars. It shall be the duty of the county treasurer (and if he neglect or refuse to perform it, it shall be the duty of the chairman of the board of commissioners) to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalties aforesaid. If the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section ninety-five of this act.

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 courthouse, 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.

Failure to attend and account a misdemeanor. Report, approval and record of accounts.

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.

Tax collector when appointed charged with duties and powers of sheriff.

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 taxpayers 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.

Sureties to collect on death of sheriff. Powers and liabilities.

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.

Time for collection of 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.

Copies of acts to officers.

SEC. 105. The Secretary of State shall in like manner have printed ten copies of said act for each member of the General Assembly and forward the same to him.

Copies for 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 taxpayer 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 blanks.

SEC. 107. *State Treasurer to sue for taxes.*

Upon failure to pay to the State Treasurer, within thirty days after the same shall have become due, any tax which by law is made payable direct to the State Treasurer, it shall be his duty to institute an action to enforce the same in the county of Wake or in the county in which the property taxed is located.

Treasurer to sue for taxes. County of venue.

Repealing clause.
 Proviso: vested
 rights.

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.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 441.

AN ACT TO SUSPEND THE COLLECTION OF TAXES UNDER SECTION 58 OF THE REVENUE ACT, BECAUSE OF THE HIGHER TAXES IMPOSED BY THE OIL-INSPECTION ACT.

Preamble.

Whereas, since the passage and ratification of the act to raise revenue at the present session of the General Assembly, a law has been passed providing for the inspection of illuminating oils and for the imposition of an inspection tax of one-half ($\frac{1}{2}$) a cent per gallon thereon; and whereas the said tax is much greater than the tax imposed under section fifty-eight of the Revenue Act; and whereas it is not the purpose of the General Assembly that the said taxes shall be cumulative: now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Tax not to be
 collected.

SECTION 1. That the tax imposed under section fifty-eight of the act to raise revenue upon dealers in oils shall be suspended and shall not be hereafter collected from any persons, dealers or corporations paying the taxes imposed under the inspection law enacted at the present session of the General Assembly, entitled "An act to provide for the inspection of illuminating oils and fluids": *Provided, however*, if the said Oil Inspection Act should be held invalid, section fifty-eight, Revenue Act, shall remain in full effect.

Proviso: if act
 held invalid.

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 442.

AN ACT TO PROMOTE THE PUBLIC HEALTH, CONVENIENCE AND WELFARE BY LEVEEING, DITCHING AND DRAINING THE WET, SWAMP AND OVERFLOWED LANDS OF THE STATE, AND PROVIDING FOR THE ESTABLISHMENT OF LEVEE OR DRAINAGE DISTRICTS FOR THE PURPOSE OF ENLARGING OR CHANGING ANY NATURAL WATER COURSES, AND FOR DIGGING DITCHES OR CANALS FOR SECURING BETTER DRAINAGE OR PROVIDING BETTER OUTLETS FOR DRAINAGE, FOR BUILDING LEVEES OR EMBANKMENTS AND INSTALLING TIDE GATES OR PUMPING PLANTS FOR THE RECLAMATION OF OVERFLOWED LANDS, AND PRESCRIBING A METHOD FOR SO DOING; AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF THE COST AND EXPENSE OF THE SAME, AND ISSUING AND SELLING BONDS THEREFOR, AND FOR THE CARE AND MAINTENANCE OF SUCH IMPROVEMENTS, WHEN CONSTRUCTED.

The General Assembly of North Carolina do enact:

SECTION 1. *Duty and powers of the court.*

The clerk of the Superior Court of any county in the State of North Carolina shall have jurisdiction, power and authority to establish a levee or drainage district or districts in his county, and to locate and establish levees, drains or canals, and cause to be constructed, straightened, widened or deepened any ditch, drain or water course, and to build levees or embankments and erect tide gates and pumping plants for the purpose of draining and reclaiming wet, swamp or overflowed lands; and it is hereby declared that the drainage of swamps and the drainage of the surface water from agricultural lands and the reclamation of tidal marshes shall be considered a public benefit and conducive to the public health, convenience, utility and welfare.

Jurisdiction of clerk of superior court.
Levee or drainage districts.

Drainage a public benefit.

SEC. 2. *Petition—Bond—Board of viewers.*

Whenever a petition signed by a majority of the resident land-owners in a proposed drainage district or by the owners of three-fifths of all the land which will be affected by or assessed for the expense of the proposed improvements shall be filed in the office of the clerk of the Superior Court of any county in which a part of said lands are located, setting forth that any specific body or district of land in the county and adjoining counties, described in such a way as to convey an intelligent idea as to the location of such land, is subject to overflow or too wet for cultivation, and the public benefit or utility or the public health, convenience or wel-

Petition for establishment of drainage district.

Bond for costs of proceedings.	fare will be promoted by draining, ditching or leveeing the same or by changing or improving the natural water courses, and setting forth therein, as far as practicable, the starting point, route and terminus and lateral branches, if necessary, of the proposed improvement, and there is filed therewith a bond for the amount of fifty dollars per mile for each mile of the ditch or proposed improvement, signed by two or more sureties or by some lawful and authorized surety company, to be approved by the clerk of the Superior Court and conditioned for payment of all costs and expenses incurred in the proceedings in case the court does not grant the prayer of said petition, the said clerk shall issue a summons to be served on all the defendant landowners who have not joined in the petition and whose lands are included in the proposed drainage district. Upon the return day the said clerk shall appoint a disinterested and competent civil and drainage engineer and two resident freeholders of the county or counties in which said lands are located as a board of viewers to examine the lands described in the petition and make a preliminary report thereon. Such drainage engineer shall be appointed upon the recommendation of the State Geologist, and the compensation for the services of such engineer and his necessary assistants, to be fixed as herein provided, shall be paid by the State Geological and Economic Survey, said sum or sums so paid to be refunded when the drainage fund is subsequently provided by the sale of bonds or otherwise. When the lands proposed to be drained and created into a drainage district are located in two or more counties the clerk of the Superior Court of either county shall have and exercise the jurisdiction herein conferred, and the venue shall be in that county in which the petition is first filed. The law and rules regulating special proceedings shall be applicable to this act, so far as may be practicable. The summons may be served by publication as to any defendants who cannot be personally served as provided by law.
Summons to be served on landowners.	
Appointment of board of viewers.	
Appointment and payment of drainage engineer.	
Jurisdiction when land is in more than one county.	
Rules of proceeding.	
Summons served by publication.	

SEC. 3. *Examination—Preliminary report.*

Board of viewers to examine lands and route.	The board of viewers shall proceed to examine the land described in said petition, and other land if necessary to locate properly such improvement or improvements as are petitioned for, along the route described in the petition, or any other route answering the same purpose if found more practicable or feasible, and may make surveys such as may be necessary to determine the boundaries and elevation of the several parts of the district, and shall make and return to the clerk of the Superior Court within thirty days, unless the time shall be extended by the court, a written report, which shall set forth:
Surveys.	
Report to set forth: If drainage is practicable; If drainage will benefit public health or any public highway or conduce to general welfare.	<ol style="list-style-type: none"> 1. Whether the proposed drainage is practicable or not. 2. Whether it will benefit the public health or any public highway or be conducive to the general welfare of the community.

3. Whether the improvement proposed will benefit the lands sought to be benefited. If drainage will benefit the specific lands;

4. Whether or not all the lands that are benefited are included in the proposed drainage district. If all lands to be benefited are included.

They shall also file with this report a map of the proposed drainage district, showing the location of the ditch or ditches or other improvement to be constructed and the lands that will be affected thereby, and such other information as they may have collected that will tend to show the correctness of their findings. Map to be filed. Other information.

SEC. 4. *Filing preliminary report.*

The clerk of the Superior Court shall consider this report. If the viewers report that the drainage is not practicable or that it will not benefit the public health or any public highway or be conducive to the general welfare of the community, and the court shall approve such findings, the petition shall be dismissed at the cost of the petitioners. Such petition or proceeding may again be instituted by the same or additional landowners at any time after six months, upon proper allegations that conditions have changed or that material facts were omitted or overlooked. If the viewers report that the drainage is practicable and that it will benefit the public health or any public highway or be conducive to the general welfare of the community, and the court shall so find, then the court shall fix a day when the report will be further heard and considered. Clerk to consider report. Petition dismissed if work not reported practicable and beneficial. Petition renewed after six months. Day for further hearing if report be favorable.

SEC. 5. *Notice.*

If the petition is entertained by the court, notice shall be given by publication for two consecutive weeks in some newspaper of general circulation within the county or counties, if one shall be published in such counties, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places within the drainage district that on the date set, naming the day, the court will consider and pass upon the report of the viewers. At least fifteen days shall intervene between the date of the publication and the posting of the notices and the date set for the hearing. Notice of hearing. Time of notice.

SEC. 6. *Hearing preliminary report.*

At the date appointed for the hearing the court shall hear and determine any objections that may be offered to the report of the viewers. If it appear that there is any land within the proposed levee or drainage district that will not be affected by the leveeing or drainage thereof, such lands shall be excluded and the names of the owners withdrawn from such proceeding; and if it shall be shown that there is any land not within the proposed district that will be affected by the construction of the proposed levee or drain, the boundary of the district shall be so changed as to Court to hear and determine objections. Amendments to petition and changes in boundary and location.

include such land, and such additional landowners shall be made parties plaintiff or defendant, respectively, and summons shall issue accordingly, as hereinbefore provided. After such change in the boundary is made, the sufficiency of the petition shall be verified, to determine whether or not it conforms to the requirements of the statute as provided in section two. The efficiency of the drainage or levees may also be determined, and if it appears that the location of any levee or drain can be changed so as to make it more effective, or that other branches or spurs should be constructed, or that any branch or spur projected may be eliminated or other changes made that will tend to increase the benefits of the proposed work, such modification and changes shall be made by the board. The engineer and the other two viewers may attend this meeting and give any information or evidence that may be sought to verify and substantiate their report. If necessary, the petition, as amended, shall be referred by the court to the engineer and two viewers for further report. The above facts having been determined to the satisfaction of the court, and the boundaries of the proposed district so determined, it shall declare the establishment of the drainage or levee district, which shall be designated by a name or number, for the object and purpose as herein set forth.

SEC. 7. *May condemn land.*

If it shall be necessary to acquire a right of way or an outlet over and through lands not affected by the drainage, and the same cannot be acquired by purchase, then and in such event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights of way for railroads in chapter sixty-one of the Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the board of drainage commissioners out of the first funds which shall be available from the proceeds of sale of bonds or otherwise.

SEC. 8. *Right of appeal.*

Any person or corporation owning lands within the drainage or levee district which he or it thinks will not be benefited by the improvement and should not be included in the district may appeal from the decision of the court to the Superior Court of such county, in term time, by filing an appeal, accompanied by a bond conditioned for the payment of the costs, if the appeal should be decided against him, for such sum as the court may require, not exceeding two hundred dollars, signed by two or more solvent sureties, or in some approved surety company, to be approved by the court.

SEC. 9. *Complete survey.*

After the district is established the court shall refer the report of the engineer and viewers back to them to make a complete survey, plans and specifications for the drains or levees or other improvements, and fix a time when said engineer and viewers shall complete and file their report, not exceeding sixty days.

Report referred for complete survey.

Complete report within sixty days.

SEC. 10. *Complete report.*

The engineer and viewers shall have power to employ such assistants as may be necessary to make a complete survey of the drainage district, and shall enter upon the ground and make a survey of the main drain or drains and all its lateral. The line of each ditch, drain or levee shall be plainly and substantially marked on the ground. The course and distance of each ditch shall be carefully noted and sufficient notes made, so that it may be accurately plotted and mapped. A line of levels shall be run for the entire work and sufficient data secured from which accurate profiles and plans may be made. Frequent bench marks shall be established along the line, on permanent objects, and their elevation recorded in the field books. If it is deemed expedient by the engineer and viewers, other levels may be run to determine the fall from one part of the district to another. If an old water course, ditch or channel is being widened, deepened or straightened, it shall be accurately cross-sectioned, so as to compute the amount of cubic yards saved by the use of such old channel. A drainage map of the district shall then be completed, showing the location of the ditch or ditches and other improvements and the boundary, as closely as may be determined by the records of the lands owned by each individual landowner within the district. The location of any railroads or public highways and the boundary of any incorporated towns or villages within the district shall be shown on the map. There shall also be prepared to accompany this map a profile of each levee, drain or water course, showing the surface of the ground, the bottom or grade of the proposed improvement and the number of cubic yards of excavation or fill in each mile or fraction thereof, and the total yards in the proposed improvement and the estimated cost thereof, and plans and specifications, and the cost of any other work required to be done.

Board of viewers may employ assistants.

Survey of main drain and laterals. Detailed instructions for making survey.

Drainage map to be drawn. Details of map.

Profile to accompany map.

Estimate of cost. Plans, specifications and cost of other work.

SEC. 11. *Assessment of damages.*

It shall be the further duty of the engineer and viewers to assess the damages claimed by anyone that is justly right and due to them for land taken or for inconvenience imposed because of the construction of the improvement, or for any other legal damages sustained. Such damage shall be considered separate and apart from any benefit the land would receive because of the proposed work, and shall be paid by the board of drainage commissioners when funds shall come into their hands.

Board of viewers to assess claims for damages.

Benefits not considered.

Payment of damages.

SEC. 12. *Classification of land according to benefits.*

Board of viewers to examine and classify land.

Considerations in determining benefit.

Land in five classes, "A," "B," "C," "D," and "E."

Number of acres in each class ascertained.

Total acreage.

Scale of assessment.

It shall be the further duty of the engineer and viewers to personally examine the land in the district and classify it with reference to the benefit it will receive from the construction of the levee, ditch, drain or water course or other improvement. In the case of drainage, the degree of wetness on the land, its proximity to the ditch or a natural outlet and the fertility of the soil shall be considered in determining the amount of benefit it will receive by the construction of the ditch. The land benefited shall be separated in five classes. The land receiving the highest benefit shall be marked "Class A"; that receiving the next highest benefit, "Class B"; that receiving the next highest benefit, "Class C"; that receiving the next highest benefit, "Class D," and that receiving the smallest benefit, "Class E." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on the map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be obtained and presented in tabulated form. The scale of assessment upon the several classes of land returned by the engineer and viewers shall be in the ratio of five, four, three, two and one; that is to say, as often as five mills per acre is assessed against the land in "Class A," four mills per acre shall be assessed against the land in "Class B," three mills per acre in "Class C," two mills per acre in "Class D," and one mill per acre in "Class E." This shall form the basis of the assessment of benefits to the lands for drainage purposes.

SEC. 13. *Cost of the survey.*

Account kept and reported to court.

The engineer and viewers shall keep an accurate account and report to the court the name and number of days each person was employed on the survey and the kind of work he was doing, and any expenses that may have been incurred in going to and from the work, and the cost of any supplies or material that may have been used in making the survey.

SEC. 14. *Delay—Extension of time.*

Court may extend time for cause shown.

In case the work is delayed by high water, sickness or any other good cause, and the report is not completed at the time fixed by the court, the engineer and viewers shall appear before the court and state in writing the cause of such failure and ask for sufficient time in which to complete the work, and the court shall set another date by which the report shall be completed and filed.

SEC. 15. *Final report—Notice of hearing.*

When the final report is completed and filed it shall be examined by the court, and if it is found to be in due form and in accordance with the law it shall be accepted, and if not in due form it may be referred back to the engineer and viewers, with instructions to secure further information, to be reported at a subsequent date to be fixed by the court. When the report is fully completed and accepted by the court a date not less than twenty days thereafter shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication in a newspaper of general circulation in the county and by posting a written or printed notice on the door of the courthouse and at five conspicuous places throughout the district, such publication to be made for at least two weeks before the final hearing. During this time a copy of the report shall be on file in the office of the clerk of the Superior Court and shall be open to the inspection of any landowner or other person interested within the district.

Examination of final report.

Time for final hearing.

Notice of final hearing.

Time of publication. Report open to inspection.

SEC. 16. *Adjudication—Final report.*

At the date set for hearing any landowner may appear in person or by counsel and file his objection in writing to the report of the viewers; and it shall be the duty of the court to carefully review the report of the viewers and the objections filed thereto, and make such changes as are necessary to render substantial and equal justice to all the landowners in the district. If, in the opinion of the court, the cost of construction, together with the amount of damages assessed, is not greater than the benefits that will accrue to the land affected, the court shall confirm the report of the viewers. If, however, the court finds that the cost of construction, together with the damages assessed, is greater than the resulting benefit that will accrue to the lands affected, the court shall dismiss the proceedings at the cost of the petitioners, and the sureties upon the bond so filed by them shall be liable for such costs: *Provided*, that the State Geological and Economic Survey may remit and release to the petitioners the costs expended by said board on account of the engineer and his assistants. The court may from time to time collect from the petitioners such amounts as may be necessary to pay costs accruing, other than costs of the engineer and his assistants, such amounts to be repaid from the special tax hereby authorized.

Landowners may appear in person or by counsel. Objections in writing. Court to review report and objections.

Confirmation of report.

Dismissal of proceedings.

Proviso: release of costs of engineer and assistants.

Payments on costs.

SEC. 17. *Appeal.*

Any party aggrieved may, within ten days after the confirmation of the assessor's report, appeal to the Superior Court in term time. Such appeal shall be taken and prosecuted as now provided in special proceedings.

Appeal to superior court.

SEC. 18. *Drainage record.*

Drainage record. The clerk of the Superior Court shall provide a suitable book, to be known as the "drainage record," in which he shall transcribe every petition, motion, order, report, judgment or finding of the board in every drainage transaction that may come before it, in such a manner as to make a complete and continuous record of the case. Copies of all the maps and profiles are to be furnished by the engineer and marked by the clerk "official copies," which shall be kept on file by him in his office, and one other copy shall be pasted or otherwise attached to his record book.

Copies of maps and profiles kept on file.
Copy attached to record book.

Board of drainage commissioners.

SEC. 19. After the said drainage district shall have been declared established, as aforesaid, and the survey and plan therefor approved, the court shall appoint three persons, who shall be designated as the board of drainage commissioners. Such drainage commissioners shall first be elected by the owners of land within the drainage or levee district, or by a majority of same, in such manner as the court shall prescribe. The court shall appoint those receiving a majority of the votes. If any one or more of such proposed commissioners shall not receive the vote of a majority of such landowners the court shall appoint all or the remainder from among those voted for in the election. Any vacancy thereafter occurring shall be filled in like manner. Such three drainage commissioners, when so appointed, shall be immediately created a body corporate under the name and style of "The Board of Drainage Commissioners of District,"

Election by landowners.

Appointment by court.

Vacancies.

Drainage commissioners incorporated.
Corporate name.

Corporate powers.

Organization.

Treasurer.

Seal.

with the right to hold property and convey the same, to sue and be sued, and shall possess such other powers as usually pertain to corporations. They shall organize by electing from among their number a chairman and a vice chairman. They shall also elect a secretary, either within or without their body. The treasurer of the county in which the proceeding was instituted shall be *ex officio* treasurer of such drainage commissioners. Such board of drainage commissioners shall adopt a seal, which they may alter at pleasure. The board of drainage commissioners shall have and possess such powers as are herein granted. The name of such drainage district, whether designated by number or otherwise, shall constitute a part of its corporate name; for illustration, "The Board of Drainage Commissioners of (No. 1 or Moyock) District."

SEC. 20. *Superintendent of construction.*

Superintendent of construction.
Bond of superintendent.

The board of drainage commissioners shall appoint a competent person as superintendent of construction. Such person shall furnish a bond, to be approved by the commissioners, in the penal sum of ten thousand dollars, conditioned upon the honest and faithful performance of his duties, such bond to be in favor of the board of drainage commissioners.

SEC. 21. *Notice of letting contract—Bond.*

The board of drainage commissioners shall cause notice to be given for two consecutive weeks in some newspaper published in the county wherein such improvement is located, if such there be, and such additional publication elsewhere as they may deem expedient, of the time and place of letting the work of construction of said improvement, and in such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof; and in the date appointed for the letting, they, together with the superintendent of construction, shall convene and let to the lowest responsible bidder, either as a whole or in sections, as they may deem most advantageous for the district, the proposed work. No bid shall be entertained that exceeds the estimated cost, except for good and satisfactory reasons it shall be shown that the original estimate was erroneous. They shall have the right to reject all bids and advertise again the work, if in their judgment the interest of the district will be subserved by doing so. The successful bidder shall be required to enter into a contract with the board of drainage commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties, in favor of the board of drainage commissioners for the use and benefit of the levee or drainage district, in an amount equal to twenty-five per centum of the estimated cost of the work awarded to him.

Advertisement for letting of contracts.

Work let to lowest bidder.

Bids exceeding estimate not considered.

Right to reject all bids.

Successful bidder to enter into contract and give bond.

SEC. 22. *Payment for work done.*

The superintendent in charge of construction shall make monthly estimates of the amount of work done, and furnish one copy to the contractor and file the other with the secretary of the board of drainage commissioners; and the commissioners shall, within five days after the filing of such estimate, meet and direct the secretary to draw a warrant in favor of such contractor for ninety per centum of the work done, according to the specifications and contract; and upon the presentation of such warrant, properly signed by the chairman and secretary, to the treasurer of the drainage fund, he shall pay the amount due thereon. When the work is fully completed and accepted by the superintendent he shall make an estimate for the whole amount due, including the amounts withheld on the previous monthly estimates, which shall be paid from the drainage fund as before provided.

Superintendent to make and file monthly estimates. Warrants for payments.

Payment of warrants.

Payment in full on completion of work.

SEC. 23. *Failure of contractor—Reletting.*

If any contractor to whom a portion of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the board of drainage commissioners against such contractor and his bond in the Superior Court for damages sustained by the levee or

Suit on bond of contractor.

drainage district, and recovery made against such contractor and his sureties. In such an event the work shall be advertised and relet in the same manner as the original letting.

SEC. 24. *Right of contractor.*

Right of contractor to enter on lands.

In the construction of the work the contractor shall have the right to enter upon the lands necessary for this purpose and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right of way of the improvement is through timber the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins, and in case it is not removed by the landowner it shall become the property of the contractor and may be removed by him.

Removal and ownership of timber.

SEC. 25. *Highways affected.*

Cost of drains across highways.

Where any public ditch, drain or water course established under the provisions of this act crosses a public highway the actual cost of constructing the same across the highway or removing old bridges or building new ones shall be paid for from the fund of the drainage district. Wherever any highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district it shall be the duty of the reviewers appointed to classify the land to give in their report the amount of benefit to such highway, and notice shall be given by the clerk of the Superior Court to the clerk of the board of county commissioners in the county where the road is located of the amount of such assessment, and the county commissioners shall have the right to appear before the court and file its objections, the same as any landowner.

Highways benefited to be included in report.

Notice of assessment on highways.

SEC. 26. *Railroad—Damage—Benefit.*

Procedure to determine place and manner of crossing right of way of railroad companies.

Whenever the engineer and the viewers in charge shall make a survey for the purpose of locating a public levee or drainage district or changing a natural water course, and the same would cross the right of way of any railroad company, it shall be the duty of the owner in charge of the work to notify the railroad company, by serving written notice upon the agent of such company or its lessee or receiver, that they will meet the company at the place where the proposed ditch, drain or water course crosses the right of way of such company, said notice fixing the time of such meeting, which shall not be less than ten days after the service of the same, for the purpose of conferring with said railroad company with relation to the place where and the manner in which such improvement shall cross such right of way. When the time shall arrive fixed for such conference, unless for good cause more time is agreed upon, it shall be the duty of the viewers in charge and the railroad company to agree, if possible,

Agreement.

upon the place where and the manner and method in which such improvement shall cross such right of way. If the viewers in charge and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the viewers, they shall determine the place and manner of crossing the right of way of said railroad company, and shall specify the number and size of openings required, and the damages, if any, to said railroad company, and so specify in their report. The fact that the railroad company is required by the construction of the improvement to build a new bridge or culvert or to enlarge or strengthen an old one shall not be considered as damages to said railroad company. The engineer and viewers shall also assess the benefits that will accrue to the right of way, roadbed and other property of said company by affording better drainage or a better outlet for drainage, but no benefits shall be assessed because of the increase in business that may come to said road because of the construction of the improvement. The benefits shall be assessed as a fixed sum, determined solely by the physical benefit that its property will receive by the construction of said improvement, and it shall be reported by the viewers as a special assessment, due personally from the railroad company as a special assessment; it may be collected in the manner of an ordinary debt in any court having jurisdiction.

Procedure in case of disagreement.

Facts not considered as damages.

Benefits to be assessed.

Assessment at a fixed sum.

SEC. 27. *Notice to railroad.*

The clerk of the Superior Court shall have notice served upon the railroad company of the time and place of the meeting to hear and determine the final report of the engineer and viewers, and the said railroad company shall have the right to file objections to said report and to appeal from the findings of the board of commissioners in the same manner as any landowner. But such an appeal shall not delay or defeat the construction of the improvement.

Notice of final hearing to be served on railroad company.

SEC. 28. *Manner of crossing right of way—Penalty for delay—Cost.*

After the contract is let and the actual construction is commenced, if the work is being done with a floating dredge, the superintendent in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right of way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the superintendent of construction and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the dredge to excavate the channel across its right of way. The work shall be

Notice to railroad company of time of work.

Time to be agreed on.

Railroad company to remove obstructions.

so planned and conducted as to interfere in the least possible manner with the business of said railroad. In case the railroad company refuses and fails to remove its track and allow the dredge to construct the work on its right of way it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of twenty-five dollars per day for each day of delay, to be collected by the board of drainage commissioners for the benefit of the drainage district as in the case of other penalties. Such a fine may be collected in any court having jurisdiction and shall inure to the benefit of the drainage district. Within thirty days after the work is completed, an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the superintendent of construction of the drainage improvement. Such bill, however, shall not include the cost of putting in a new bridge or strengthening or enlarging an old one. The superintendent of construction shall audit this bill and, if found correct, approve the same and file it with the secretary of the board of drainage commissioners. The commissioners shall deduct from this bill the cost of the excavation done by the dredge on the right of way of said railroad company at the contract price, and pay the difference, if any, to said railroad company.

SEC. 29. *Control and repairs.*

Whenever any improvement constructed under this act is completed it shall be under the control and supervision of the board of drainage commissioners. It shall be the duty of the said board to keep the levee, ditch, drain or water course in good repair, and for this purpose they may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining the ditch, drain or water course in perfect order: *Provided, however,* that if any repairs are made necessary by the act or negligence of the owner of any land through which such improvement is constructed or by the act or negligence of his agent or employee, or if the same is caused by the cattle, hogs or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the drainage commissioners. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, fence or flood gate in such a way as to injure or damage any levee, ditch, drain or water course constructed or improved under the provisions of this act, and any person causing such injury shall be guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding twice the damage or injury done or caused.

SEC. 30. *Outlet for lateral drains.*

The owner of any land that has been assessed for the cost of the construction of any ditch, drain or water course, as herein provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain or water course by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file his ancillary petition in such pending proceeding to the court, and the procedure shall be as now provided by law. When the ditch is constructed it shall become a part of the drainage system and shall be under the control of the board of drainage commissioners and be kept in repair by them as herein provided.

Rights of owners of assessed lands.

Procedure for condemnation of access to drain.

SEC. 31. *Assessment-tax roll.*

After the classification of the land and the ratio of assessment of the different classes to be made thereon has been confirmed by the court, the drainage commissioners shall prepare an assessment roll or drainage-tax duplicate, giving a description of all the land in said drainage district, the name of the owner, so far as can be ascertained from the public records, and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and deduct therefrom any special assessment made against any railroad or highway, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefit received, as shown by the classification and ratio of assessment made by the viewers and confirmed by the board of drainage commissioners. This drainage-tax roll shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the drainage record and the other delivered to the sheriff or other county tax collector. There shall be appended an order to collect the said assessments, and the same shall have the force and effect of a judgment as in the case of State and county taxes.

Drainage commissioners to prepare assessment-tax roll.

Ascertainment of amount to be assessed.

Assessment proportioned to benefits.

Drainage-tax roll in duplicate.

Order to collect assessment.

SEC. 32. *Time of payment.*

If the total cost of the work is less than an average of twenty-five cents per acre on all the land in the district the assessment made against the several tracts shall be collected in one installment, by the same officer and in the same manner as State and county taxes are collected, and payable at the same time. In case the total assessment exceeds the average of twenty-five cents per acre on all the lands in the district the said board of drainage com-

Assessment payable in one installment.

Advertisement of purpose to issue drainage bonds.

Land released on
payment of
assessment.

missioners may give notice of three weeks by publication in some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear and the time when payable. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the county treasurer the full amount of his assessment and have his land released therefrom.

SEC. 33. *Defense—Waiver.*

Landowner failing
to pay assessment
held as consenting
to bond issue.

Each and every person owning land in the district which is assessed for the construction of an improvement who shall neglect or fail to pay the full amount of his assessment to the county treasurer within the time specified shall be deemed as consenting to the issuing of said drainage bonds, and in consideration of the right to pay his assessment in installments he hereby waives his right to any defense against the collection of said assessment because of any irregularity, illegality or defect in the proceedings prior to this time, except in the case of an appeal, as heretofore provided, which is not affected by this waiver. The term "person," as used in this act, includes any firm, company or corporation.

Right of defense
waived.

SEC. 34. *Bond issue.*

Bond issue
authorized.
Amount.

At the expiration of the thirty days after the publication the board of drainage commissioners may issue bonds for the full amount of the assessment not paid in to the county treasurer, together with the interest thereon, costs of collection or other incidental expenses. These bonds shall bear six per cent interest per annum, payable annually, and shall be paid in ten equal annual installments. The first installment of the principal shall mature at the expiration of three years from the date of issue, and one installment each succeeding year for nine additional years. The commissioners may sell these bonds at not less than par and devote the proceeds to the payment of the work as it progresses. In no case shall bonds be issued until the tax levy has been made to meet them as they come due. The bonds issued shall be for the exclusive use of the levee or drainage district specified on their face, and should be numbered by the board of drainage commissioners and recorded in the drainage record, which record shall set out specifically the lands embraced in the district on which the tax has not been paid in full, and which land is assessed for the payment of the bonds issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for the payment of said bonds and the interest thereon as they become due, and

Interest.

Maturity.

First installment.

Sale of bonds.

Issue and record
of bonds.

Lien for assess-
ment paramount.

shall be collected in the same manner by the same officers as the State and county taxes are collected. If any installment of principal or interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said drainage district or the board of drainage commissioners of said district, wherein the court may issue a writ of *mandamus* against the said drainage district, its officers, including the tax collector and treasurer, directing the levying of a tax or special assessment as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installments of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bonds of the tax collector and county treasurer shall be liable for the faithful performance of the duties herein assigned them. Such bonds may be increased by the board of county commissioners.

Collected as taxes.
Mandamus for levy of assessments to meet installments of bonds.

Suits on official bonds.

SEC. 35. *Relevy.*

Where the court has confirmed an assessment for the construction of any public levee, ditch or drain, and such assessment has been modified by the court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the board of drainage commissioners shall have power to change or modify the assessment as originally confirmed to conform to the judgment of the Superior Court and to cover any deficit that may have been caused by the order of said court or unforeseen occurrence. The said relevy shall be made for the additional sum required, in the same ratio on the lands benefited as the original assessment was made.

Power to change or modify assessment.

SEC. 36. *Fees and expenses.*

Any engineer employed under the provisions of this act shall receive such compensation per diem for his services as shall be fixed and determined by the drainage commissioners. The viewers, other than the engineer, shall receive three dollars per day; the rodmen, axmen, chainmen and other laborers shall receive not to exceed two dollars per day each. All other fees and costs incurred under the provisions of this act shall be the same as provided by law for like services in other cases. Said costs and expenses shall be paid, by the order of the court, out of the drainage fund provided for that purpose, and the board of drainage commissioners shall issue warrants therefor when funds shall be in the hands of the treasurer.

Pay of engineer.

Viewers other than engineer.

Rodmen and other laborers.
Fees and costs as prescribed by law.

SEC. 37. *Defects in proceedings.*

Act to be liberally construed. The provisions of this act shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet and overflowed lands. The collection of the assessment shall not be defeated, where the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant, and the failure to appeal from the order of the court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this act shall exclude all other remedies.

Order confirming final report conclusive. SEC. 38. Proceedings under this act may be *ex parte* or adversary. Any engineer, viewer, superintendent of construction or other person appointed under this act may be removed by the court, upon petition, for corruption, negligence of duties or other good and satisfactory cause shown.

Modification on appeal to affect appellant only. SEC. 38½. This act shall not repeal or change any local drainage laws already enacted or to be enacted by the General Assembly of one thousand nine hundred and nine.

Failure to appeal a waiver. SEC. 39. All laws in conflict with this act are hereby repealed: *Provided*, that proceedings now pending by virtue of any statute now or heretofore in force in this State in any county shall not be affected by this act, but that such proceedings may be continued in accordance with such statute or in accordance with the provisions of this act.

Proceedings ex parte. Removal of officers or employees for cause. SEC. 40. This act shall be in effect from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

Local drainage laws not affected.

Repealing clause. Proviso: proceedings pending not affected.

CHAPTER 443.

AN ACT TO PRESCRIBE THE MODE OF CAPITAL PUNISHMENT IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Death by hanging abolished. Electrocution substituted. SECTION 1. That death by hanging under sentence of law in North Carolina shall be and is hereby abolished and electrocution or death by electricity substituted therefor.

Electrocution defined. SEC. 2. The mode of executing a death sentence must in every case be by causing to pass through the body of the convict or felon a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such

convict or felon is dead; and the warden of the penitentiary of Executioner. North Carolina or, in case of his death, inability or absence, a deputy warden shall be the executioner; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, such punishment shall only be inflicted within a permanent death chamber which the superintendent of said State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of said State penitentiary shall also cause to be provided, in conformity with this act and approved by the Governor and Council of State, the necessary appliances for the infliction of the punishment of death in accordance with the requirements of this act. For the expenses of such appliances a sum not exceeding one thousand dollars shall be allowed and paid out of the treasury upon the warrant of the Auditor of the State.

Permanent death chamber.

Appliances.

Appropriation for appliances.

SEC. 3. That upon the sentence of death being pronounced against any person in the State of North Carolina convicted of a crime punishable by death it shall be the duty of the judge pronouncing such death sentence to make the same in writing, which shall be filed in the papers in the case against such convicted person, and a certified copy thereof shall be transmitted by the clerk of the Superior Court in which such sentence is pronounced to the warden of the State penitentiary at Raleigh, North Carolina, not more than twenty nor less than ten days before the time fixed in the judgment of the court for the execution of said sentence; and in all cases where there is no appeal from said sentence of death and in all cases where said sentence is pronounced against a prisoner convicted of the crime of rape it shall be the duty of the sheriff, together with at least one deputy, to convey to the penitentiary at Raleigh such condemned felon or convict forthwith upon the adjournment of the court in which said felon was tried, and deliver said convict or felon to the warden of said penitentiary: *Provided*, that in all cases where an appeal is taken from the death sentence by any person or persons convicted of a crime punishable by death, except the crime of rape, such convicted felon or convict shall not be taken or conveyed to said penitentiary unless, in the judgment of the sheriff of the county in which said felon was tried and the solicitor prosecuting said felon, it shall be deemed necessary for the safety and safe-keeping of said convicted person or felon during the pendency of said appeal.

Sentence of death in writing.

Certified copy to warden of penitentiary.

Conveyance of condemned felon to penitentiary.

Proviso: in cases not of rape where appeal is taken.

SEC. 4. The said warden or deputy warden (in case of the disability, death or absence of the warden), unless a suspension of execution be ordered, shall cause the person, convict or felon against whom the death sentence has been so pronounced to be electrocuted as provided by section two of this act. At such

Warden or deputy to execute sentence.

Persons present at execution.

execution there shall be present the warden or deputy warden, the surgeon or physician of the penitentiary and twelve respectable citizens. The counsel and any relatives of such person, convict or felon and a minister or ministers of the gospel may be present if they so desire.

Counsel, relatives and ministers.

SEC. 5. The warden, together with the surgeon or physician of the penitentiary, shall certify the fact of the execution of the condemned person, convict or felon to the clerk of the Superior Court in which such sentence was pronounced, and said clerk shall file such certificate with the papers of the case and enter the same upon the records thereof.

Certificate of execution.

SEC. 6. Should the condemned person, convict or felon be granted a reprieve by the Governor or obtain a writ of error, or a new trial be granted by the Supreme Court of the State of North Carolina, or should the execution of the sentence be stayed by any competent judicial tribunal or proceeding, notice of such reprieve, new trial, appeal, writ of error or stay of execution shall be served upon the warden or deputy warden of the penitentiary by the Sheriff of Wake County, in case such condemned person is confined in said penitentiary, or upon any sheriff having the custody of any such condemned person, also upon the condemned person himself. In case of an appeal, should the Supreme Court find no error in the trial or should the execution of the sentence be stayed by any competent judicial tribunal or proceeding, such condemned person, convict or felon shall be executed as is provided in section two of this act, the Governor of North Carolina setting the day for said execution; and it is hereby made the duty of said Governor to set the date for said execution and notify the warden of the penitentiary thereof.

On appeal governor to set day for execution if no error found.

Notification to warden.

SEC. 7. Should a new trial be granted the condemned person, convict or felon against whom sentence of death has been pronounced, after he has been conveyed to the penitentiary, then he shall be conveyed back to the place of trial by such guard or guards as the warden of said penitentiary shall direct, their expenses to be paid as is now provided by law for the conveyance of convicts to the penitentiary.

Reconveyance of prisoner if new trial granted.

Crimes heretofore committed.

SEC. 8. Nothing in this act shall be construed to alter in any manner the execution of the sentence of death imposed on account of any crime or crimes committed before the ratification of this act.

Disposition of remains.

SEC. 9. Upon application, written or verbal, of any relative as near as the degree of fourth cousin of the person executed, made at any time prior to the execution or on the morning thereof, the body, after execution, shall be prepared for burial under the supervision of the warden or deputy warden and shall be returned to the nearest railroad station of the relative or relatives asking for such body. The cost of preparing said body for burial, including

Limit of cost.

transportation, shall in no case exceed the sum of fifty dollars, and shall be paid by the State of North Carolina upon a warrant of the auditor of said State. In the event that no relative asks for the body of such executed person, convict or felon, the same shall be disposed of as other bodies of convicts dying in the penitentiary.

Disposal of body
if not asked for
by relatives.

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

Ratified this 6th day of March, A. D. 1909.

CHAPTER 444.

AN ACT TO REGULATE THE PRACTICE OF OPTOMETRY, TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF EXAMINERS IN OPTOMETRY, TO PROVIDE FOR THE EXAMINATION OF PRACTITIONERS OF OPTOMETRY AND REGISTRATION OF LICENSED PRACTITIONERS, TO PROVIDE A PENALTY FOR A VIOLATION OF THE ACT, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the practice of optometry is defined as follows, namely: The practice of optometry is hereby defined to be the employment of any means, other than the use of drugs, medicine or surgery, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

Optometry
defined.

SEC. 2. That after the passage of this act it shall be unlawful for any person to practice optometry in the State of North Carolina unless he shall first have obtained a certificate of registration and filed the same, or a certified copy thereof, with the clerk of the Superior Court of his residence, all as hereinafter provided.

Practice without
registration
unlawful.

SEC. 3. There is hereby created a board, whose duty it shall be to carry out the purposes and enforce the provisions of this act, and shall be styled the "North Carolina State Board of Examiners in Optometry." Said board shall be appointed by the Governor as soon as is practicable after the passage of this act, and shall consist of five regular optometrists who are members of the North Carolina State Optical Society and who have been engaged in the practice of optometry in the State of North Carolina for five years. The terms of said members, as appointed as aforesaid, shall be as follows: One for one year, one for two years, one for three years, one for four years, one for five years. The terms of members thereafter appointed shall be for five years. The appointments to fill vacancies shall be for the unexpired terms. The members of the board, before entering upon their duties, shall respec-

Board of
examiners.

Official title.
Appointment.

Terms of
members.

Vacancies.

Examiners to
qualify.

	tively take all oaths taken and prescribed for other State officers, which shall be administered by the Secretary of State and filed in his office, and said board shall have a common seal.
Organization.	SEC. 4. Said board of examiners shall choose, at the first regular meeting and annually thereafter, one of its members as president and one as secretary and treasurer. Said board shall make such rules and regulations, not inconsistent with law, as may be necessary to the proper performance of its duties, and each member thereof may administer oaths and take testimony concerning any matter within the jurisdiction of the board. A majority of the said board shall constitute a quorum. Said board shall meet at least twice a year, the times and places of meeting to be designated by the president and secretary. The secretary of the said board shall keep a full record of the proceedings of said board, which record shall at all reasonable times be open to public inspection.
Rules and regulations.	
Power to administer oaths.	
Quorum.	
Meetings.	
Records.	
Examination for practice.	SEC. 5. Every person, before beginning to practice optometry in this State after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as is essential to the practice of optometry.
Fees.	Any person having signified his desire to be examined, and before beginning such examination, shall pay to the said board for the use of said board the sum of ten dollars, and if he shall successfully pass said examination he shall pay to the said secretary for the use of said board a further sum of five dollars on the issuance to him of the certificate: <i>Provided</i> , any candidate presenting himself for examination and failing to successfully pass the board shall have returned to him the ten dollars fee required in this section. All persons successfully passing said examination shall be registered in the board registry, which shall be kept by said secretary, as licensed to practice optometry, and he shall also receive a certificate of registration, to be signed by the president and secretary of said board.
Proviso: return of fee.	
Registration and certificate.	
Persons heretofore practicing.	SEC. 6. Every person who had been engaged in the practice of optometry in the State of North Carolina for two years prior to the date of the passage of this act shall within six months thereafter file an affidavit as proof thereof with said board. The secretary shall keep a record of said person, and shall upon payment of three dollars issue to said person a certificate of registration without the necessity of an examination.
Registration fee.	
Persons exempt from examination.	SEC. 7. All persons entitled to a certificate of registration under the full provisions of section six shall be exempt from the provisions of section five of this act.
Record of certificate in county of residence.	SEC. 8. All recipients of said certificate of registration shall present the same for record to the clerk of the Superior Court of the county in which they reside, and shall pay a fee of fifty cents for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any
Fee.	
Record in other counties.	

person so licensed, before engaging in the practice of optometry in any other county, shall, before commencing the practice in said county, file the same for record with the clerk of the Superior Court of the county in which he desires to practice, and pay the clerk thereof for recording the same a fee of fifty cents. Any failure, neglect or refusal on the part of such person holding such certificate to file the same for record, as hereinbefore provided for, for thirty days after the issuance thereof, shall forfeit the same and said certificate shall become null and void. Upon the request of any person entitled to a certificate of registration at any time, the board shall issue a certified copy of the certificate of registration, and upon the fact of the loss of the original certificate being made to appear, a certified copy shall be recorded in lieu of the original, and the said board shall be entitled to a fee of one dollar for recording the certified copy of the certificate of registration.

Fee.

Forfeit of certificate.

Copies of certificate.

Fee.

SEC. 9. Any person entitled to a certificate as provided for in section six in this act who shall not within six months after the passage of this act make written application to the board of examiners for a certificate of registration, accompanied by a written statement, signed by him and duly verified before an officer authorized to administer oaths within this State, fully setting forth the grounds upon which he claims such certificate, shall be deemed to have waived his right to a certificate under the provisions of said section. Any such person may obtain a certificate thereafter by successfully passing examination and paying a fee as provided for in this act.

Waiver of right to certificate.

SEC. 10. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted.

Certificate to be displayed.

SEC. 11. Out of the funds coming into possession of said board each member thereof may receive as compensation the sum of five dollars for each day he is actually engaged in the duties of his office and mileage of three cents per mile for all distances necessarily traveled in going to and coming from the meetings of the board. The said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the State Treasury. All moneys received in excess of per diem allowance and mileage, as above provided for, shall be held by the secretary as a special fund for meeting expenses of said board and carrying out the provisions of this act, and he shall give the State such bond as the board shall from time to time direct for the faithful performance of his duties, and the board shall make an annual report of its proceedings to the Governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

Compensation of board of examiners.

State not responsible.

Surplus held as special fund.

Secretary to give bond. Reports from board.

Annual fees.	SEC. 12. Every registered optometrist shall, in every year after one thousand nine hundred and nine, pay to said board of examiners the sum of not over two dollars, the amount to be fixed by the board, as a fee for said year. Said payments shall be made prior to the first day of April in each and every year, and in case of default in said payment by any person his certificate may be revoked by the examiners upon twenty days' notice of the time and the place of considering such revocation. But no license shall be revoked for nonpayment if the person so notified shall pay, before or at such time of consideration, his fee and such penalty as may be imposed by said board: <i>Provided</i> , said board may impose a penalty of five dollars, and no more, on any one person so notified as a condition of allowing his license to stand: <i>Provided further</i> , that said board of examiners may collect any such dues by suit.
Date of payment.	
Revocation of certificate.	
Proviso: collection by suit.	SEC. 13. Said board shall have the power to revoke any certificate of registration granted by it under this act, for conviction of crime, habitual drunkenness for six months immediately before charge to be made, gross incompetency, contagious or infectious diseases: <i>Provided</i> , that before any certificate may be so revoked the holder thereof shall have a notice in writing of the charge or charges against him, and at a day specified in said notice, at least five days after the service thereof, be given a public hearing and have an opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate has been so revoked may, after the expiration of ninety days, apply to have the same regranted, and the same shall be regranted him upon a satisfactory showing that the disqualification has ceased.
Revocation of certificate for cause.	
Proviso: public hearing.	
Regrant of certificate.	
Acts declared misdemeanors.	SEC. 14. Any person who shall violate any of the provisions of this act, and any person who shall hold himself out to the public as a practitioner of optometry without a certificate of registration provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors may be punished as for a misdemeanor by a fine of not more than one hundred dollars or imprisonment for not more than four months, or both, in the discretion of the court.
Punishment.	
Application of act.	SEC. 15. Nothing in this act shall be construed to apply to physicians and surgeons authorized to practice under the laws of North Carolina, or prohibit persons to sell spectacles, eyeglasses or lenses as merchandise from permanently located and established places of business.
	SEC. 16. All laws and parts of laws in conflict with the foregoing are hereby repealed.
	SEC. 17. That this act shall be in force and effect from and after its ratification.
	Ratified this the 6th day of March, A. D. 1909.

CHAPTER 445.

AN ACT TO PROVIDE FOR THE REGISTRATION AND IDENTIFICATION OF MOTOR VEHICLES, AND TO REGULATE THE USE OF PUBLIC HIGHWAYS BY SUCH VEHICLES AND PERSONS PASSING SUCH VEHICLES, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. The term and words "motor vehicles," used in this act, shall be construed to mean all vehicles propelled by power, other than muscular power, except traction engines and such motor vehicles as run only upon rails or tracks. The term and words "highway" or "public highway" shall be construed to mean any public highway, township, county or State road, or any country road, any public street, alley, park, parkway, driving or public place in any city, village or town. The term and words "business portion of any city or village" shall be construed to mean the territory of a city or incorporated village contiguous to a public highway which is at that point either wholly or partially built up with structures devoted to business.

Motor vehicles defined.

Highway and public highway defined.

SEC. 2. Every person now owning or hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of the Secretary of State a statement containing the name and address, with a brief description of the vehicle so owned by him to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by said Secretary of State for that purpose. Upon the filing of said statement, as aforesaid, said Secretary of State shall register such motor vehicle in a book or index to be kept for that purpose and assign it a distinctive number, and shall forthwith issue and deliver to the owner of such motor vehicle a certificate of registration, together with a seal, of aluminum or other suitable metal, which said seal shall be circular in form, approximately two inches in diameter, and shall have stamped thereon the words "Registered Motor Vehicle No. . . . , North Carolina," with the registration number and any other data deemed necessary by the Secretary of State inserted therein, which said seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned. The said certificate of registration shall contain the same words and number as the seal, and shall further contain the name of the owner of the vehicle so registered as aforesaid, his address, the name of maker of the said vehicle, factory number, style and motor power, and the date of registration, which date of registration shall be the day on which the application is received at the office of the Secretary of State. Such certificate of registration shall remain in

Statement to be filed by owner of motor vehicle.

Blanks to be furnished.
Registration and number.

Certificate of registration.

Seal.

Seal to be displayed.

Certificate of registration to contain.

Date of registration.

Certificates for one year.

Applications for renewal.

Cancellation of certificate and reissue of number.

Fee for registration, certificate and seal.

Fee for renewal.
Proviso: motorcycles excepted.
Proviso: apportionment of fees.

Return of certificate and seal on sale of vehicle.

Certificate to be cancelled and number reissued.
Proviso: certificate under original number.

Fee for new certificate.

Number to be displayed on front and rear of vehicle.

Requirements for display numbers.

Lights.

Proviso: number to be displayed on rear of vehicle.

force for one year from and after the first day of July of each year. Applications for renewal of any certificate of registration shall be made to the Secretary of State any time within thirty days previous to the date of the expiration of such certificate, and if no application for a renewal is received during the time above mentioned the Secretary of State shall cancel such certificate and reissue the number. For the registration and issuing of a certificate and seal a fee of five dollars shall be paid to the Secretary of State, and a fee of one dollar for each renewal of the same: *Provided*, no registration of motorcycles shall be required: *Provided further*, that of the fee of five dollars paid to the Secretary of State three dollars shall be paid by the Treasurer of the State to the treasurer of the county in which the owner of said automobile resides, to be used for the public roads in said county.

SEC. 3. Upon the sale of a registered motor vehicle, registered in accordance with the above section, the vendor shall return to the Secretary of State within ten days from the date of such sale his said certificate and seal, and such certificate shall be canceled and the number reissued by the Secretary of State: *Provided*, that the vendor may, upon application at the time of returning such certificate and seal, have a new certificate issued to him, containing the original registration number for a motor vehicle described in such application and owned by him and which is not licensed under the law. A fee of one dollar shall be paid to the Secretary of State for the issue of such new certificate, which shall remain in force until the first day of July following the date of issue.

SEC. 4. In addition to the conspicuous display of the seal, as provided in section two of this act, it shall be the duty of the owner of each and every motor vehicle at all times to have displayed upon the front and rear of the body of such vehicle, in such manner as to be plainly visible, the number assigned to it by the Secretary of State, said number to be in Arabic numerals, black on white ground, or white on black ground, and not less than three inches in height, and each stroke to be of a width not less than one-half inch, and also as a part of said number the name of the State, in full or abbreviated, and of the same color and on the same ground as the numerals, the letters of the name to be not less than one inch in height. There shall also be displayed upon every motor vehicle in use upon any public highway during the period from one hour after sunset to one hour before sunrise two lamps in the front of said motor vehicle, showing a white light, visible within a reasonable distance in the direction which such vehicle is proceeding, and also a red light in the rear of said motor vehicle and visible for a reasonable distance in the reverse direction: *Provided*, that it shall be unlawful to display more than one registration

number upon the rear of such motor vehicle or a number which does not entitle the holder thereof to operate such motor vehicle upon the public highway of the State.

SEC. 5. No motor vehicle shall be used or operated upon the public highway after July first, one thousand nine hundred and nine, which shall not display thereon a registration seal, and on the rear of said motor vehicle a number as provided in section four of this act, or which shall display thereon a fictitious seal or number or a seal or number belonging to any other vehicle.

SEC. 6. Nonresident owners or operators of motor vehicles shall be subject to the same requirements and laws as resident owners or operators: *Provided*, that the nonresident owner of a motor vehicle passing through the State of North Carolina shall not be required to register his vehicle as provided in this act.

SEC. 7. No person shall operate a motor vehicle upon the public highway after July first, one thousand nine hundred and nine, unless such person shall have complied in all respects with the requirements of this act. In no case shall a person operate a motor vehicle in this State when intoxicated, or in a race, or on a bet or wager, or for the purpose of making a record: *Provided*, nothing herein contained shall prevent racing on private race courses or tracks.

SEC. 8. All fees paid to the Secretary of State as provided in this act shall be paid into the State Treasury monthly. The Secretary of State shall provide all blanks, books and seals necessary to the furthering of this act, securing the same, as far as may be, from the State Printer, and all other necessary expenses incurred by him; and necessary extra clerical assistance, not exceeding three hundred dollars per annum, shall be paid by a warrant of the auditor upon the treasurer.

SEC. 9. No person shall operate a motor vehicle upon a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person or the safety of any property, and shall not, in any event, while upon any highway, run at a higher rate of speed than twenty-five miles an hour, and within the corporate limits of all cities and villages the rate of speed shall not be greater than eight miles an hour in the business portion of any such city or village and not greater than twelve miles an hour in all other portions thereof, subject, however, to the other provisions of this act and to local regulations.

SEC. 10. Upon approaching an intersecting highway, a bridge, dam, sharp curve or steep descent, and also in traversing such intersecting highway, bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate at such speed not to exceed five miles an hour, having regard to the traffic then on such highway and the safety of the public.

Vehicles not to be used without display of numbers after 1st July, 1909.

Display of fictitious seal or number.

Nonresident owners or operators of vehicles. *Provido*: non-resident owner passing through state.

Operation of vehicle after 1st July without compliance with act forbidden. Vehicles not to be operated by one intoxicated or in a race or on wager or for making a record. *Provido*: racing on private courses.

Fees to be paid into treasury. Secretary of state to provide blanks, books and seals.

Allowance to secretary of state.

Speed on highways.

Speed in cities and villages. In business portion.

In other portions.

Intersecting highways, bridges dams, sharp curves and steep descents.

In approaching horses or draft animals.

SEC. 11. Upon approaching a horse or horses or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall slow down to a speed not exceeding eight miles an hour and give reasonable warning of its approach and use every reasonable precaution to insure the safety of such person or animal, and in case of a horse or horses or other draft animals, to prevent frightening the same.

Rules of the road.

SEC. 12. Any person operating a motor vehicle shall, at request or on signal from a person riding, leading or driving a horse or horses or other draft animals, guide such motor vehicle to the right of the wrought or traveled portion of the highway and immediately bring such motor vehicle to a stop, and, if requested,

Stop on request.

shall cause the motor of such vehicle to cease running and to remain stationary and noiseless so long as shall be necessary to prevent accident and insure the safety of others; and it shall also be the duty of any male chauffeur or driver of any motor vehicle, and other male occupants thereof over the age of fifteen years, while passing any horse or horses or other draft animals which appear frightened, upon the request of the person in charge of and driving such horse or horses or other draft animals, to give such personal assistance as would be reasonable to insure the safety of all persons concerned and to prevent accident.

Assistance by male occupants.

Vehicles on meeting to keep to the right.

SEC. 13. Whenever a person operating a motor vehicle shall meet on a highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, and there being no occasion to stop, as above provided, the person operating such motor vehicle shall reasonably turn the same to the right of the center of the traveled portion of the highway, while the person approaching shall likewise turn from the center of the traveled portion of the highway so as to pass the motor vehicle on the opposite side of the center of the highway to which the motor vehicle has been turned; and any person so operating any motor vehicle shall, at the intersection of a public highway, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left.

Rule at intersection of highways.

Passing other vehicles.

SEC. 14. If a vehicle drawn by a horse or horses or other draft animals or a motor vehicle be overtaken by any motor vehicle, and the person in charge of such motor vehicle expresses a desire to pass, it shall be the duty of the driver of any such vehicle or motor vehicle so overtaken as aforesaid to turn either to the right or to the left of the center of the wrought or traveled portion of the highway and give the person so making the request an opportunity to pass; but, in passing, the person in charge of such motor vehicle and the other male occupants thereof over the age of fifteen years shall give such assistance as they are able to the occupant or occupants of the vehicle they are passing, if assistance is asked, and in thus passing the chauffeurs, drivers or operators shall use all due care to avoid accidents.

Assistance from male occupants.

SEC. 15. In case of accident to person or property upon any public highway, due to the operation thereon of any motor vehicle, the person operating such motor vehicle shall stop and give such assistance as can be given, and shall, upon request of the person injured or any other person, give such person his name and address and, if not the owner, the name and address of the owner of such motor vehicle, together with the registered number thereof.

SEC. 16. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any park or parkway within a city or incorporated village, but in no case to permit a greater speed than is provided in this act, and as a condition thereto such local authorities must, by signs at each entrance of such park and along said parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

SEC. 17. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator or his agent, employee or servant of any such motor vehicle, or resulting from the negligent use of the highway by them or any of them.

SEC. 18. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and anyone who shall be convicted thereof or who shall plead guilty to any complaint for the violation thereof shall be punished by a fine not exceeding fifty dollars and costs of prosecution or by imprisonment not exceeding twenty days, or both; for the second offense or any subsequent offense he shall be punished by a fine not exceeding fifty dollars and costs of prosecution or by imprisonment for not exceeding thirty days, or both, and upon conviction for the third offense the certificate of such owner shall be canceled for the space of six months.

SEC. 19. All police justices of any city or justices of the peace of any township where any such violation shall occur shall have jurisdiction to hear, try and pass sentence for any and all violations of any of the provisions of this act.

SEC. 20. Any police officer of any city, any marshal, deputy marshal or watchman of any incorporated village or any sheriff or deputy sheriff of any county or any constable of any township shall have full power and authority within the limits of their jurisdiction to arrest any person known personally to any such officer or upon the sworn information of a credible witness to have violated any of the provisions of this act, and to immediately bring such offender before any justice of the peace or officer having jurisdiction, and any such person so arrested shall have the right

Duties of person operating vehicle in case of accident.

Regulations by local authorities as to parks and parkways.

Signs at entrance of park and along parkways.

Cemeteries.

Civil actions for damages.

Violations of act a misdemeanor. Punishment.

Punishment subsequent offense.

Certificate canceled on third offense.

Jurisdiction of offenses.

Arrests for violation of act.

Right to immediate trial.

Release on
security for
appearance.

of an immediate trial and all other rights given to any person arrested for having committed a misdemeanor, and, if such hearing cannot then be had, be released from custody on giving his personal undertaking to appear in answer for such violation at such time and place as shall then be indicated, secured by the deposit of a sum equal to double the maximum fine for the offense with which he is charged, or in lieu thereof by leaving the motor vehicle being operated by such person with such officer, or, in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest and depositing with such officer a sum equal to double the maximum fine for the offense for which such arrest is made, or, in lieu thereof, by leaving the motor vehicle being operated by such person with such officer: *Provided*, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible justice of the peace or other officer having jurisdiction (naming him) on that or the following day, specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing forthwith, on such person being admitted to bail.

Proviso: receipts
for security.

Lists of registered
motor vehicles.

SEC. 21. The Secretary of State shall cause to be printed each and every year a list of all motor vehicles registered under the provisions of this act, and shall mail a copy of said list to the sheriff of every county and mayor of every town and city requesting a copy: *Provided further*, that a copy of said list shall be furnished upon application to any person requesting same upon the payment of one dollar. Said list shall contain the names of all persons registering vehicles, their place of residence, the make of vehicle and the registered number of the same.

Proviso: fee for
lists.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

Act not to apply
to New Hanover
county.

SEC. 23. That this act shall be in force from and after its ratification, but shall not apply to New Hanover County.

Ratified this the 6th day of March. A. D. 1909.

CHAPTER 446.

AN ACT REQUIRING THE USE OF ELECTRIC OR POWER HEADLIGHTS ON CERTAIN LOCOMOTIVE ENGINES.

The General Assembly of North Carolina do enact:

Locomotives on
main lines to be
equipped with
headlights.

SECTION 1. That every company, corporation, lessee, manager or receiver owning or operating a railroad in this State is hereby required to equip and maintain and use upon each and every locomotive in operation in railroad service on main lines in this State an electric or power headlight of at least one thousand five

hundred candle power, measured without the aid of a reflector: *Provided*, that only twenty-five per cent of said locomotives not now so equipped shall be required to be so equipped or used by April first, one thousand nine hundred and ten; another twenty-five per cent by April first, one thousand nine hundred and eleven; another twenty-five per cent by April first, one thousand nine hundred and twelve, and the remainder by April first, one thousand nine hundred and thirteen: *Provided*, that this act shall not apply to locomotive engines regularly used in switching cars or trains; and further providing that this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to nor returning from repair shops when ordered in for repairs: *Provided further*, that this act shall not apply to independently owned and operated railroad companies in this State whose mileage of road in this State is one hundred and twenty-five miles or less, nor to railroads having only lines extending into this State, no one of which is one hundred miles in length in this State: *Provided further*, the Corporation Commission may relieve from the operation of this act such locomotives and roads or parts or sections or branches of roads upon which the said Corporation Commission may deem electric or power headlights not advisable: *Provided further*, that should an engine start on a trip with the headlight in good working condition, and from some unavoidable cause such headlight becomes disabled and cannot be repaired on the line of the road on which such run is being made, there shall be nothing in this act to prevent said engine from continuing on said trip, and the railroad shall not be liable for prosecutions on account of such failure.

Proviso: time for equipment.

Proviso: switch engines.

Proviso: engines used exclusively between sunup and sundown.

Proviso: lines excepted.

Proviso: corporation commission may exempt.

Proviso: accident to headlight.

SEC. 2. That any company, corporation, lessee, manager or receiver 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.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 447.

AN ACT TO AMEND SECTION 1733, CHAPTER 37 OF THE REVISAL OF 1905, IN RELATION TO GRANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand seven hundred and thirty-three, chapter thirty-seven of the Revisal of one thousand nine hundred and five, be and the same is hereby repealed.

Prior regulations as to price repealed.

SEC. 2. That one dollar and fifty cents an acre shall be paid to the State Treasurer for every acre of land that may be entered.

Price fixed.

Interest of state
and of state
board of educa-
tion divested.

SEC. 3. That all lands entered under this act for which a grant has been obtained at the price of one dollar and fifty cents an acre shall be free from all claims, title or interest that is now vested in the State of North Carolina or the State Board of Education.

Void grants carry
no color of title.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed, but nothing herein contained shall be construed to repeal section one thousand six hundred and ninety-nine of Revisal of one thousand nine hundred and five.

When act
effective.

SEC. 5. That this act shall be in force from and after April first, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 448.

AN ACT TO AMEND CHAPTER 218 OF THE PUBLIC LAWS OF 1907, ENTITLED "AN ACT DENOUNCING CONDUCT WITHIN THE STATE OF NORTH CAROLINA WHICH INTERFERES WITH TRADE AND COMMERCE."

The General Assembly of North Carolina do enact:

Conspiracy to put
down or keep
down price of
article produced
by labor of others.

SECTION 1. That section one of chapter two hundred and eighteen of the Public Laws of one thousand nine hundred and seven be amended by adding at the end of said section the following subsection as subsection (f): "For any person, firm, corporation or association to conspire with any other person, firm, corporation or association to put down or keep down the price of any article produced in this State by the labor of others, which said article the said person, firm, corporation or association intends to buy."

Application by
attorney-general
for order to show
cause.

SEC. 2. That section six of said chapter be stricken out and the following inserted in lieu thereof: "That if it shall be made to appear to the Attorney-General by satisfactory affidavit (which affidavit may be made upon information and belief, and when so made shall state the ground thereof) that any corporation is violating any of the provisions of this act within the State, it shall be the duty of the Attorney-General to apply to a judge of the Superior Court for an order to cause such corporation, its officers and agents, or any of them, to appear before such judge at a time and place to be named by him, which time shall not be less than five days from the service of such order, to show cause why such corporation, its officers and agents, or any of them, should not produce before such judge, at a time and place to be named, all the papers, books and records of such corporation; and if the judge shall be satisfied that such books, papers and records should be so produced he shall make an order requiring such corporation, its officers and agents, or any of them, to produce

Order for pro-
duction of books
and papers.

all or any of its papers, books and records, to be examined by the Attorney-General in the presence of such judge. If any corporation, its officers or agents shall fail to appear or shall fail to produce such papers, books or records as may be required, it or he shall be guilty of a misdemeanor, and it shall be the duty of the Attorney-General to cause such corporation or person to be prosecuted therefor. When it shall be made to appear that the papers, books or records of any such corporation, or any of them, are without the limit of the State or that they cannot conveniently be produced before the judge for examination, as hereinbefore provided, such judge may issue a commission for the examination of such papers, books and records before a commissioner to be named by him."

Failure to appear or produce books and papers a misdemeanor.

Attorney-general to prosecute.

Commission for examination of books and papers.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 449.

AN ACT TO MAKE APPROPRIATIONS FOR STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of fifty thousand dollars (\$50,000) is hereby annually appropriated for the support and maintenance of the North Carolina School for the Deaf and Dumb at Morganton, and the further sum of three thousand dollars (\$3,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for repairing and painting buildings at said institution, and the further sum of twelve thousand dollars (\$12,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for the specific purpose of erecting a new building for said institution.

School for deaf and dumb.
Appropriation for support and maintenance.
Appropriation for repairs and painting.
Appropriation for new building.

SEC. 2. That the sum of sixty-five thousand dollars (\$65,000) is hereby annually appropriated for the support and maintenance of the North Carolina Institution for the Deaf and Dumb and the Blind at Raleigh, and the further sum of fifteen thousand dollars (\$15,000) is appropriated annually for the years one thousand nine hundred and nine and one thousand nine hundred and ten for the purpose of renewing heating plant, new boilers, pianos and other necessary improvements.

Institution for deaf and dumb and the blind.
Appropriation for support and maintenance.
Appropriation for equipment.

SEC. 3. That the sum of one hundred and fifteen thousand dollars (\$115,000) is hereby annually appropriated for the support and maintenance of the State Hospital at Raleigh.

State hospital at Raleigh.
Appropriation for support and maintenance.

State hospital at Morganton. Appropriation for support and maintenance.

SEC. 4. That the sum of one hundred and seventy-five thousand dollars (\$175,000) is hereby appropriated for the year one thousand nine hundred and nine and the sum of one hundred and ninety thousand dollars (\$190,000) for the year one thousand nine hundred and ten for the support and maintenance of the State Hospital at Morganton.

State hospital at Goldsboro. Appropriation for support and maintenance. Soldiers' home.

SEC. 5. That the sum of eighty thousand dollars (\$80,000) is hereby annually appropriated for the support and maintenance of the State Hospital at Goldsboro for the colored race.

Soldiers' cemetery.

SEC. 6. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the support and maintenance of the Soldiers' Home, located at Raleigh, and the further sum of two hundred dollars (\$200) annually is hereby specifically appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for the special purpose of caring for the Confederate Soldiers' Cemetery, which last amount shall be paid over to the Wake County Ladies' Memorial Association.

College of agriculture and mechanic arts. Appropriation for support and maintenance. Appropriation for permanent improvements.

SEC. 7. That the sum of seventy thousand dollars (\$70,000) is hereby annually appropriated for the support and maintenance of the North Carolina College of Agriculture and Mechanic Arts at Raleigh, and the further sum of eighteen thousand dollars (\$18,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for permanent improvements and equipment.

University. Appropriation for support and maintenance. Appropriation for permanent improvements.

SEC. 8. That the sum of seventy-five thousand dollars (\$75,000) is hereby annually appropriated for the support and maintenance of the University of North Carolina at Chapel Hill, and the further sum of twenty-six thousand dollars (\$26,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for permanent improvements and equipment of said institution.

State normal and industrial college. Appropriation for support and maintenance. Appropriation for permanent improvements.

SEC. 9. That the sum of seventy-five thousand dollars (\$75,000) is hereby annually appropriated for the support and maintenance of the State Normal and Industrial College at Greensboro, and the further sum of twenty-six thousand dollars (\$26,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for permanent improvements and equipment of said institution.

Agricultural and mechanical college for colored race. Appropriation for support and maintenance. Appropriation for repairs, improvements and sewerage.

SEC. 10. That the sum of ten thousand dollars (\$10,000) 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 four thousand three hundred and fifty dollars (\$4,350) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for repairs, improvements and sewerage of said institution.

Sec. 11. That the sum of six thousand dollars (\$6,000) is hereby annually appropriated for the support, improvement and maintenance of the Appalachian Training School for Teachers at Boone, and the further sum of eight thousand dollars (\$8,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for the completion and furnishing of the present building and for the erection of new buildings and the purchase of lands and other necessary improvements.

Sec. 12. That the sum of seven thousand dollars (\$7,000) is hereby annually appropriated for the support and maintenance of the Cullowhee Normal School, and the further sum of seven thousand dollars (\$7,000) is hereby annually appropriated for the years one thousand nine hundred and nine and one thousand nine hundred and ten for buildings, equipment and other necessary improvements.

Sec. 13. That the sum of five thousand dollars (\$5,000) is hereby annually appropriated for the support and maintenance of the Colored Orphanage at Oxford.

Sec. 14. That the sum of fifty thousand dollars (\$50,000) is hereby appropriated for the years one thousand nine hundred and nine for additional buildings and equipment for the East Carolina Teachers' Training School, and the further sum of thirteen thousand dollars (\$13,000) is hereby appropriated for the year one thousand nine hundred and nine for the support and maintenance of said institution, and the sum of twenty-five thousand dollars (\$25,000) is hereby appropriated annually thereafter for such support and maintenance.

Sec. 15. That the sum of five hundred dollars (\$500) annually is hereby appropriated for Guilford Battle Ground Company and two hundred dollars (\$200) additional annually for two years for the erection of a monument, and all other appropriations made for this company are hereby repealed.

Sec. 16. That the sum of ten thousand dollars (\$10,000) is hereby appropriated annually for the years one thousand nine hundred and nine and one thousand nine hundred and ten for the support and maintenance of the Stonewall Jackson Training School at Concord, and the further sum of ten thousand dollars (\$10,000) is hereby appropriated for the year one thousand nine hundred and nine for permanent improvements at said institution, and the sum of ten thousand dollars (\$10,000) is hereby appropriated for the year one thousand nine hundred and ten for permanent improvements.

Sec. 17. That the sum of seven thousand five hundred dollars (\$7,500) annually is hereby appropriated for the support and maintenance of the State Sanatorium for the Treatment of Tuberculosis at Montrose, and the further sum of fifteen thousand dollars (\$15,000) is hereby appropriated for the year one thousand

Appalachian training school.
Appropriation for support, improvements and maintenance.
Appropriation for buildings.

Cullowhee normal school.
Appropriation for support and maintenance.
Appropriation for buildings and equipment.

Colored orphanage.

East Carolina teachers' training school.
Appropriation for buildings and equipment.
Appropriation for maintenance.

Guilford battle ground company.

Stonewall Jackson training school.
Appropriation for support and maintenance.
Appropriation for permanent improvements.

State sanatorium for treatment of tuberculosis.
Appropriation for support and maintenance.
Appropriation for permanent improvements.

nine hundred and nine for permanent improvements at said institution, and the sum of fifteen thousand dollars (\$15,000) is hereby appropriated for the year one thousand nine hundred and ten for permanent improvements.

Croatan normal school.

SEC. 18. That the sum of one thousand two hundred and fifty dollars (\$1,250) annually is hereby appropriated for the Croatan Normal School in Robeson County.

Hospital for dangerous insane.

SEC. 19. That the sum of five thousand dollars (\$5,000) annually is hereby appropriated for the Hospital for the Dangerous Insane at the State's Prison, the same to be paid out of the funds belonging to said State's Prison.

North Carolina room in confederate museum.

SEC. 19a. That the sum of one hundred dollars (\$100) per annum be and the same is hereby appropriated for the purpose of caring for and maintaining the "North Carolina room" in the Confederate Museum at Richmond, Virginia, this amount to be paid by the Treasurer of the State on the order of the president of the North Carolina Division of the United Daughters of the Confederacy and to the person designated in such order and for the purposes above named.

SEC. 20. That all laws and clauses of laws heretofore made containing appropriations for any of the institutions or purposes mentioned in this act are hereby repealed.

Library for institution for the blind.

SEC. 21. That the sum of one hundred dollars (\$100) is appropriated to the Institution for the Blind for library incidentals.

Croatan normal school. Appropriation for dormitory.

SEC. 22. That there is hereby appropriated from the State Treasury the sum of two thousand dollars (\$2,000) for the purpose of aiding in the construction of a dormitory for the Croatan Normal School in Robeson County, the said sum to be expended and drawn from the treasury in the same manner as the appropriation for the maintenance of said school.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 450.

AN ACT TO PROVIDE FOR A SYSTEM OF PERMANENT ROAD BUILDING IN GRANVILLE COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO ISSUE BONDS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That for the purpose of permanently improving, macadamizing and otherwise working the public roads of Granville County the board of county commissioners of said county is hereby authorized, empowered and directed to issue coupon

Bond issue directed.

bonds of said county to an amount not exceeding one hundred thousand dollars, said bonds to be in denominations of not less than five hundred dollars, bearing interest from the date of issue, at a rate not to exceed five per cent per annum, payable semi-annually, such bonds to be of such form and tenor and transferable in such way and the principal to be payable at such time or times not exceeding thirty years from the date of the issue of said bonds and at such place or places as the said board of county commissioners may determine: *Provided*, that the said board of county commissioners shall advertise the sale of said bonds and invite bids for same, but none of said bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value and accrued interest: *Provided further*, that the said board of county commissioners may direct that the bonds issued pursuant to this act may be registered.

Amount.
Denominations.
Interest.
Maturity.
Proviso: advertisement for sale of bonds.
Bonds not to be sold below par.

SEC. 2. The said bonds shall be numbered and shall be signed by the chairman of said board of county commissioners and attested by the treasurer of said county, with the corporate seal of said county of Granville affixed thereto, and the coupons shall bear the engraved or lithographed signature of the chairman of the said board of county commissioners.

Authentication.

SEC. 3. The board of county commissioners shall have a record kept of all the bonds issued under the provisions of this act in a book provided for that purpose, showing to whom the bonds are sold, the amount and date of sale and the number and date of the maturity of each bond.

Record of bonds.

SEC. 4. In order to pay the interest upon said bonds, the Board of County Commissioners of Granville County or other authority vested with the power of levying taxes in Granville County shall annually compute and levy at the time of levying other taxes a special tax upon the polls and upon the real and personal property and all other subjects of taxation in said county, always observing the constitutional equation between the levy on polls and property: *Provided*, that after ten years from the date of the issue of said bonds the said board of county commissioners or other authority vested with the power of levying taxes in Granville County shall annually compute and levy, in addition to the levy of the special tax to pay the interest on said bonds, a special tax of not exceeding thirty cents on each poll and ten cents on each one hundred dollars valuation of property for the purpose of creating a sinking fund, to be used either in the purchase of said bonds or any of them in the open market or to pay off said bonds at their maturity.

Special tax for interest.

Constitutional equation.
Proviso: special tax for sinking fund.

Rate.

SEC. 5. That it shall be the duty of the said board of county commissioners to annually invest any and all moneys arising from the special tax for said sinking fund in the purchase of any of said bonds at prices deemed advantageous, but in the event that

Investment of sinking fund.

the said bonds cannot be purchased at prices deemed advantageous by said commissioners, the said sinking fund shall be invested by said commissioners in bonds of the United States, North Carolina State bonds, bonds of any county, city or town of the State of North Carolina or upon notes or bonds secured by a deposit of any of the aforesaid bonds as collateral security or upon notes or bonds secured by mortgage on real estate, such loans on real estate not to exceed two-thirds of the assessed taxed valuation of said real estate.

Proceeds of bonds. SEC. 6. That the proceeds of the sales of the bonds herein authorized shall be handled and disbursed as follows: Fifty thousand dollars of such proceeds to be paid over to the treasurer of said county of Granville, to be by him disbursed upon proper vouchers

Amount paid in to county treasurer for use. issued by order of the said board of county commissioners, and the balance of the proceeds of the sales of said bonds shall be

Balance deposited on interest. deposited in such national banks as may be designated by the board of county commissioners, at such rate of interest as may be agreed upon between such banks and the board of commissioners: *Provided*, that whenever it shall become necessary to place in the hands of the said treasurer any further portion of such proceeds

Proviso: further payments to county treasurer.

Proviso: bond of treasurer.

Proviso: compensation of treasurer.

Proviso: premium on treasurer's bond.

Payment of expense of bond issue.

Use of proceeds of bonds.

Proviso: responsibility of treasurer.

Appointment of engineer.

the said board of county commissioners shall designate the amounts to be paid over to the treasurer from time to time; and *Provided further*, that the said treasurer shall execute and file with the board of county commissioners of said county a bond in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties and the proper accounting for all money received by him under the provisions of this act; and *Provided further*, that the said treasurer shall receive in full compensation for all services rendered by him in relation to said money a commission not exceeding one-half of one per cent upon the total amounts disbursed by him; and *Provided further*, that if the said treasurer shall give corporate surety on said bond the premium charge for such bond shall be paid by the said board of county commissioners from and out of the money arising from the proceeds of the sale of the bonds authorized by this act.

SEC. 7. That all the expenses incident to the preparation, issue and sale of said bonds shall be paid by the said board of county commissioners from and out of the proceeds of the sales of said bonds.

SEC. 8. That the money arising from the sale of said bonds shall be expended by the board of county commissioners in constructing and maintaining permanent roads in said county of Granville after the most modern and approved methods: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said money for the purposes aforesaid.

SEC. 9. The board of county commissioners of said county of Granville shall appoint a competent civil engineer who is ex-

perienced in the construction and maintenance of improved roads for such term and at such compensation as the said board may determine, who shall be known and designated as the county road engineer, whose duties shall be to lay out, locate, relocate, change, grade or otherwise alter any of the public roads of said county, to prepare plans and estimates of the cost of constructing permanent improved roads, to supervise all construction work that shall be done by contract, to supervise and see that all work is done according to contract, and to supervise and direct the working of the roads in these several townships by the supervisors and road overseers of the county.

SEC. 10. The said board of county commissioners is hereby authorized, when in its judgment the best interests of the county will be promoted, to let by contract the building and maintaining of any section or portion of any public road in the county: *Provided*, the contract price per mile of construction shall not exceed the estimate made by the county road engineer.

SEC. 11. That the expense of maintaining, working and guarding the convict force of the county shall be paid from and out of the proceeds arising from the sales of the bonds authorized by this act.

SEC. 12. That the said board of county commissioners shall cause to be published quarterly statements of expenditures made under the provisions of this act, which statements shall contain an itemized account of all money disbursed and the purpose for which the same was expended.

SEC. 13. That there shall be elected annually by the board of county commissioners a superintendent of roads, who shall be paid such compensation as may be fixed by the board of county commissioners, to be paid out of the funds arising from the sales of the bonds herein authorized, who shall hold office for one year or until his successor has been elected and qualified: *Provided*, that the said superintendent of roads may be removed by the board of county commissioners upon ten days' notice, when in the opinion of the board there exists a sufficient cause for such removal. It shall be the duty of the said superintendent of roads to have charge of the convict force and to do such other work on the roads of the county as the board of commissioners may direct, under the supervision of the county road engineer, and the said road superintendent shall submit to the board of county commissioners a monthly report of the work done by him, and he shall submit a quarterly report showing the work done and the tools, implements, teams and other equipment belonging to the county under his charge. Said road superintendent, before entering upon the duties of his office, shall file with the board of county commissioners a bond in the penal sum of two thousand dollars, to be approved by the said board of county commissioners, for the faithful discharge of the duties of his office, which bond shall be registered and filed as other official bonds.

Duties.

Roads may be let to contract.

Proviso: limit on price.

Expense of convict force.

Itemized quarterly statements to be published.

Election of superintendent of roads. Compensation.

Term of office.

Proviso: removal for cause.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Superintendent to give bond.

Guards and employees.

SEC. 14. The board of county commissioners shall appoint, with power at any time to remove or discontinue, such guards or other employees as may be needed to properly take care of and work the convict force.

Prisoners to be worked on roads.

SEC. 15. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisoned for nonpayment of costs or fine, or under final judgment in cases in bastardy, or under the vagrant act, or all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons who would otherwise be sentenced in said county to the State's Prison for a term of less than ten years shall be worked

Proviso: exchange with other counties.

on the public roads of Granville County: *Provided*, that in case the number of persons at any time be less than ten the commissioners may arrange with the commissioners of any neighboring county or counties for such exchange of prisoners during alternate months or years as will enable each such co-operating county to thereby increase the number of prisoners at work on the public

Convicts sentenced from other counties.

roads at any given time; and upon application of the chairman of the board of county commissioners of said county the judges of the superior and criminal courts, the justices of the peace and the principal officers of any municipal or other inferior court presiding in any other county or counties which do not otherwise provide for the working of their own convicts upon their own public roads shall sentence such able-bodied male prisoners to work on the public roads of Granville County; and the cost of transporting, guarding and maintaining such prisoners as may be sent to Granville County shall be paid by said county out of the road fund: *Provided*, that in case of a serious physical disability, certified by the county physician, such prisoners may be sentenced to the State's Prison or the county jail.

Payment of cost of convicts.

Proviso: physical disability.

Persons subject to road duty.

SEC. 16. That all able-bodied male persons of the county of Granville between the ages of eighteen and forty-five years, except residents of incorporated cities and towns and such persons as are now or may hereafter be exempted by the General Assembly or the board of county commissioners, shall work on the public roads of said county for four days of nine hours each in each and every year, at such times and place and in such manner as may be designated by the county road engineer, the road superintendent or

Road duty.

Proviso: warning.

township overseers: *Provided*, that each person who is subject to road duty shall be given at least three days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement, if any, with which such person shall be required to work: *Provided further*, that in case of washout or other unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur

Proviso: emergency work.

shall, upon being properly notified by the road superintendent or overseer, respond to such notice with reasonable promptness for the purpose of doing whatever work may be necessary to repair the road: *Provided further*, that any person may, in lieu of working four days on the public roads, pay on or before the first day of April of each year to the county treasurer, road superintendent or overseer the sum of three dollars; and upon payment of said money or any part thereof it shall be the duty of the treasurer, road superintendent or overseer to issue to such person a receipt for the same, stating therein the amount and the year for which the same is paid. All moneys paid under this provision shall be promptly turned over to the county treasurer and by him credited to the road fund of the county: *Provided further*, that no person liable to road duty under this section shall be required to work on the public roads outside of the township in which he resides; and *Provided further*, that any person coming of road age or becoming a resident of any township or road district after the first of April shall be required to work out the remaining proportionate part of the road labor required by this section for that year or to pay the proportionate part of the money requirement in lieu of such work.

Proviso: commutation.

Commutation to use of road fund.

Proviso: locality of work.

Proviso: persons becoming subject to road duty.

SEC. 17. That any person who shall, after being duly notified as provided in section sixteen of this act, fail to appear and work as required to do, after having failed to pay the sum of three dollars, or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the road superintendent or overseer, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than three nor more than ten dollars or sentenced to work on the public roads of the county for not less than ten nor more than thirty days.

Failure to discharge road duty a misdemeanor.

Punishment.

SEC. 18. That the board of county commissioners shall annually appoint in each township three suitable men as supervisors of the public roads of the township in which they reside. The said supervisors thus appointed shall, within thirty days after being notified of their appointment, 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 in each year, divide the roads of their townships into sections and appoint an overseer for each section. Said supervisors shall at the same time allot the hands to said overseers and shall designate the boundaries or points to which each person liable to road duty shall be required to work, and shall, within five days after such meeting, certify to each overseer written notice of his appointment, with a list of the hands assigned to his section: *Provided*, that the supervisors may at any time alter sections of roads 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. In addition to the meeting above prescribed, the said

Township supervisors.

Supervisors to meet and organize. Organization.

Division and appointment of overseers. Allotment of hands.

Proviso: changes.

Term of supervisors. Annual meetings of supervisors.

Annual reports.	supervisors 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 condition of the public roads 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 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.
Pay of supervisors.	SEC. 19. That said supervisors shall be paid out of the road fund of the county the sum of one and fifty-hundredths 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;
Proviso: limit.	and the chairman of the supervisors in each township shall be paid one and fifty-hundredths dollars and mileage for his services in making the annual report to the board of commissioners.
Pay of chairman making report.	SEC. 20. 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 the allotment of hands.
Roads dividing townships.	SEC. 21. That any person appointed supervisor or overseer who shall refuse to serve as such, unless relieved by the board of county commissioners, shall be guilty of a misdemeanor; and every supervisor or overseer who shall fail to perform any of the duties imposed by this act shall be guilty of a misdemeanor, and it shall be the duty of the board of county commissioners to report the names of all supervisors and overseers who fail to discharge their duties as prescribed by this act to the solicitor.
Refusal to serve as supervisor or overseer a misdemeanor.	SEC. 22. That no person shall be appointed overseer who is not liable to road duty, and every person appointed overseer shall be required to serve as such for at least one year. Overseers may resign after the expiration of one year, provided their road shall be in good condition and the 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.
Failure to perform duty a misdemeanor.	SEC. 23. That every overseer of roads appointed under the provisions of this act shall work his section of the public roads of a county two successive days in the months of April and September of each and every year. Every overseer shall, on the first Monday in November of each and every year, make a written report to the supervisors of his township of the condition of his road, 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
Reports to solicitors.	
Overseer liable to road duty.	
Required to serve one year.	
Overseer may resign.	
Reappointment.	
Times for working roads.	
Annual reports of overseers.	

hands who failed to attend and work, whether or not they were legally notified, and whether or not they paid the sum of three dollars as is provided in this act, which said report shall be subscribed and sworn to before some person authorized by law to administer oaths. If it shall appear from the report as aforesaid that any hand, after being legally notified, has failed to attend and work on said road and has not paid the three dollars as provided in this act, then it shall be the duty of said supervisors to have a warrant issued against any such hand and have him tried for the offense: *Provided*, that nothing herein contained shall prevent the overseer of any road or any other person of the county from prosecuting at any time after the offense has been committed any hand for failure to work on the public roads; and if any hand has been prosecuted for failing to work on the public roads each overseer shall report this fact to the supervisors, so that the supervisors may not prefer another prosecution for the same offense.

Prosecutions for failure to discharge road duty.

Proviso: overseers may prosecute.

Overseers to report prosecutions.

SEC. 24. Every overseer of the public roads, when the supervisors of his township so direct, shall cause to be made and kept in repair for the convenience of travelers on foot, good and sufficient footways over all swamps and streams that may cross the section of the public road allotted to him, and when the supervisors shall so direct he shall also erect and keep in repair hand rails on each side of all hollow bridges situated on his section of the public roads.

Footways and hand rails.

SEC. 25. Every overseer shall be paid from and out of the road fund the sum of one dollar for each day he is engaged in warning or notifying the hands to work on the section of the public roads allotted to him and for the day on which he is required to make 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.

Pay of overseers.

Proviso: limit.

SEC. 26. That all roads laid out or opened by virtue of any act of the General Assembly or pursuant to any order of court or by resolution of the Board of Commissioners of Granville County are hereby declared to be public roads, and the board of county commissioners shall have full power and authority to order the laying out and opening of public roads where necessary and to appoint where bridges shall be built, to discontinue such roads as shall be found useless and to alter roads so as to make them more useful and convenient to the traveling public. All public roads of the county shall be at least thirty feet wide, with authority to the commissioners to widen any road of the county not exceeding sixty feet in width.

Public roads defined.

Powers of county commissioners to open, discontinue or alter roads.

Width of roads.

SEC. 27. That for the purpose of carrying out the provisions of this act the county road engineer, the county superintendent of roads and the overseers are authorized to enter upon any lands near to or adjoining any public roads, to cut and carry away timber

Entry on land for material.

(except trees or groves on improved lands planted or left for ornament or shade), to dig or cause to be dug any gravel, sand, soil, clay or stone which may be necessary to construct, improve or repair said roads, and to enter upon any lands adjoining or lying near the road in order to make such drains or ditches through the same as they may deem necessary for the betterment of the roads, doing as little injury to said lands or the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, drain or water course or waste ground, and shall be kept open by the said superintendent or overseer 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 paid over to the county treasurer and applied to the road fund of the county; and if such penalty be not paid, then it shall be the duty of the road superintendent, overseer or any other person of the county to institute a criminal action against any person violating the provisions of this section.

Drains or ditches.

Forfeit for obstructing drains or ditches.

Account for materials.

Procedure for ascertainment of value.

Power to locate, relocate and change roads.

Claims for damages.

Procedure for assessment of damages.

SEC. 28. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, gravel, sand, soil, clay or stone has been taken shall present an account for the same through the county road engineer, road superintendent or overseer at any regular meeting of the board of county commissioners within thirty days after the taking and carrying away of such timber, gravel, sand, soil, clay or stone, it shall be the duty of the said commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road engineer, road superintendent or overseer, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their award of damages, which award shall be binding upon the party claiming damages and upon the county.

SEC. 29. That subject to the approval of the board of county commissioners the county road engineer, road superintendent or overseer of roads are hereby given discretionary power to locate, relocate, widen or otherwise change any part of any public road where in their judgment such location, relocation or change will prove advantageous to public travel.

SEC. 30. That when any person or persons on whose land the new road or part of the road is located claims damages therefor, and within sixty days after the change in the road is ordered petitions the board of county commissioners for a jury to assess the damages, the said board of commissioners, within not less than fifteen nor more than sixty days after the completion of

said road, shall order a jury of three disinterested freeholders to be summoned by the sheriff or other officer as provided by law, who shall give said landowners or their local representatives forty-eight hours' notice of the time and place when and where said jury will meet to assess the damages; and said jury, being first duly sworn, in considering the question of damages, shall take into consideration the benefits to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and said jury shall report in writing its findings to the board of county commissioners for confirmation or revision: *Provided*, that if said landowner be a non-resident of the county and have no local representative in said county it shall be deemed sufficient service of said notice for said sheriff or other officer to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last known post-office address of such landowner seven days in advance of such meeting, and also to post a notice of the same for seven days at the courthouse door of said county: *Provided further*, that the damages awarded, if any, shall be paid out of the road fund of the county.

Benefits to be considered.

Proviso: payment of damages.

SEC. 31. That in case the landowner or his local representative shall be dissatisfied with the finding of the jury provided for in the preceding section, and with the decision of the county commissioners, he may appeal from the finding of the jury and the decision of the county commissioners to the Superior Court of the county, and all such appeals shall be governed by the law regulating appeals from courts of justices of peace, and the same shall be heard *de novo*; but the judge may in his discretion require the landowner to give bond when the case is taken by appeal to the Superior Court.

Right of appeal.

Judge may require bond on appeal.

SEC. 32. That the words "roads" and "public roads" used in this act shall include any and all bridges in the county.

Roads and public roads defined.

SEC. 33. Any person injuring a signboard or milepost shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars.

Injury to signboard or milepost a misdemeanor.

SEC. 34. The board of county commissioners shall appoint road walkers or inspectors, whose duty it shall be to travel the section of roads assigned to each at designated times, with such tools as may be necessary to remove leaves, stones or other obstructions from the roadbeds or ditches which are likely to cause mudholes or do other damage, and shall fill the holes with sand or rocks or causeway them so as to cover them. Each road walker shall receive such pay as the board of commissioners may stipulate.

Road walkers.

Duties.

Pay of road walkers.

SEC. 35. Any person cutting a ditch across any public road for private advantage shall keep the same covered in a substantial manner, subject to the approval of the superintendent of roads. Any person failing to keep said ditch so covered shall be guilty

Ditches across roads to be covered.

Failure a misdemeanor.

- Punishment. of a misdemeanor, and upon conviction shall be fined for each offense not more than fifty dollars or imprisoned not more than thirty days.
- Railways to erect and maintain bridges. SEC. 36. Railways and other corporations shall erect and maintain in a substantial manner all bridges which may be necessary in crossing their tracks, and they shall not obstruct the drainage of any portion of the road or empty into the road the water from their ditches. Any railway company or other corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.
- Railways not to obstruct drainage or empty water on roads. Misdemeanor.
- Punishment. SEC. 37. The board of county commissioners, in determining upon the road to be permanently improved under the provisions of this act, shall take into consideration the needs of the entire county and every part thereof, and shall open and permanently improve those roads which in their opinion will be a benefit to the greatest possible number of people of the county, treating every section of the county with equal justice.
- Considerations determining precedence of work.
- Rules and regulations. SEC. 38. The board of county commissioners of said county of Granville may adopt such rules and regulations for the construction and maintenance of the public roads of said county as may be deemed necessary or advisable.
- Meetings of county commissioners. SEC. 39. The Board of County Commissioners of Granville County may hold meetings at such times as may be necessary to attend to the duties imposed by this act, and the members shall be paid the same per diem and mileage as they receive as county commissioners.
- Certified copies of act to be sent to county commissioners. SEC. 40. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 41. The Secretary of State shall, immediately upon the ratification of this act, send three hundred certified copies hereof to the Board of County Commissioners of Granville County.
- SEC. 42. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 8th day of March, A. D. 1909.

CHAPTER 451.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SCOTLAND COUNTY TO ISSUE TOWNSHIP BONDS TO BUILD PUBLIC ROADS, IF VOTED FOR BY THE QUALIFIED VOTERS OF THE TOWNSHIP.

The General Assembly of North Carolina do enact:

Purposes of bond issue.

SECTION 1. That for the purpose of building, rebuilding, grading, improving, extending and maintaining in good order the public roads of the various townships of Scotland County, the Board of

Commissioners of Scotland 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 bonds of such township as shall adopt the provisions of this act by the election hereinafter provided for, in the following amounts: Stewartsville Township, fifty thousand dollars; Williamson's Township, thirty thousand dollars; Laurel Hill Township, twenty thousand dollars; Spring Hill Township, ten thousand dollars, or so much of said amount for each township as the board of road commissioners for such township, as hereinafter provided for, may notify the board of county commissioners, in writing, shall be necessary to carry out the provisions of this act. Said bonds shall not be sold for less than par value. Said bonds shall be issued in denominations of not less than one hundred dollars each nor more than one thousand dollars each, and shall be interest-bearing coupon bonds, bearing interest at the rate of six per centum per annum and maturing thirty years from the date of 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 Scotland County. Said bonds shall state on 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 Scotland County and disbursed by him as hereinafter provided for.

SEC. 2. For the purpose of paying the interest on all bonds issued and sold under this act, there shall be levied and assessed each year, at the time county taxes are levied and assessed, by the tax-levying authorities of Scotland County having the authority to levy taxes for county purposes, upon all taxable property, both real and personal, of every kind and description, and on all polls, if permitted by law to levy such tax on polls, of each township on behalf of which bonds may be issued and sold under this act, a tax sufficient to pay the interest on said bonds so issued and sold and the cost of collecting and disbursing said taxes; and after said bonds shall have been running for ten 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 and on such polls as may by law be subject to taxation for such purposes, taxable in and for such township, a tax sufficient to pay one-twentieth of the principal of said township bonds annually: *Provided*, that in the levy and assessment of said taxes, when lawful to be laid upon polls, the constitutional equation shall be preserved between property and polls.

SEC. 3. That on the first Saturday in May, in the year one thousand nine hundred and nine, there shall be an election in each

Sale of bonds authorized.

Townships and amounts.

Bonds not to be sold below par. Denominations.

Interest. Maturity.

Authentication.

Special tax for interest.

Special tax for principal.

Proviso: constitutional equation.

Date for election.

Polling places. Question to be determined.	and every township of said county of Scotland, at the polling places provided by law in said townships, to determine the question of improving the roads as herein provided for, issuing the bonds, levying the taxes with which to pay the interest and principal of the same and redeem same when matured. At said election those favoring the improved roads, bonds and taxes herein provided for shall vote a ballot upon which shall be written or printed the words "For Good Roads," and those opposed shall vote a ballot upon which shall be written or printed the words "Against Good Roads." The election shall be held under the law governing special elections of North Carolina, except that the returns of the results of said elections shall be made to the board of county commissioners, who shall canvass the returns and declare the results of said elections and cause the returns from said elections to be recorded in the book of record of elections in the county. The said board of commissioners shall issue and sell said bonds on behalf of those townships wherein a majority of the qualified votes cast are for good roads, as herein provided, when called upon by the township board of road commissioners hereinafter provided for, which request to issue same shall be filed by the township road commissioners and incorporated in the regular minutes of the board of county commissioners. When requested to sell said bonds the said board of county commissioners shall proceed to sell the same as speedily as is compatible with the preparation and procurement of fair offers for same, and no bonds provided for in this act shall be sold for less than par and no bonds shall be sold on behalf of any township wherein a majority of the qualified voters shall have voted "Against Good Roads."
Ballots.	
Law governing elections. Returns.	
Canvass of returns and declaration of results.	
Issue and sale of bonds.	
Record of bonds.	SEC. 4. It shall be the duty of the said board of county commissioners to provide a suitable permanent record book for the office of the register of deeds; and the register of deeds of said county, as clerk to said board of commissioners, shall make a fair entry thereon of each and every bond sold, for what township, where and when payable, both as to principal and interest, and for which township sold and amount received for same, and said record shall have suitable blank spaces in which to enter the various payments when made, which entries the board of county commissioners shall cause to be made so as to show all outstanding bonds, all payments made on same, and shall enter the bonds of each township separate from those of the other townships, and provide ample space for all future entries to be made, so as to show a correct account of same throughout the period of time said bonds shall be outstanding.
Township road commissions.	SEC. 5. That in the event the election provided for shall disclose a majority of the qualified voters favoring good roads, bonds and taxes in any township of the county, such township shall come within the provisions of this act, and the supervision of the

public roads of such township shall thereafter be under the entire and complete control of three commissioners elected for such township, who shall be styled "Road Commission Township." The term of office of said commissioners shall be three years, and the terms of office of the commissioners appointed under this act shall be so arranged by lot as to designate one whose term of office shall expire the first Monday in April, one thousand nine hundred and ten; another one year later, and the third a year thereafter; said commissioners to hold until the successor is elected and qualified. Said township road commissioners shall be resident freeholders of the township for which elected, and each shall take, subscribe and file with the Clerk of the Superior Court of Scotland County an oath for the faithful, honest and lawful discharge of the duties of the office. They shall elect one of their number chairman and another secretary, and shall keep a record of their transactions, which shall be open to inspection to any taxpayer of the county. They shall make a report annually to the board of county commissioners of their dealings with the road fund, the same to be filed in the office of the clerk to the board of county commissioners and carefully preserved among the records of said office. A majority of the township commissioners shall be necessary at any meeting to transact business.

SEC. 6. That said township road commission, when organized as aforesaid, shall be known and styled "Road Commission Township," and as such may hold, acquire, purchase and receive, by gift, devise or otherwise, property and money for the benefit of the public roads of the township; and it shall be the duty of said road commission to locate, relocate, widen, grade or otherwise change any public road in their township or any part thereof, or to cause the same to be done, where, in the judgment of the commissioners, such location, relocation or change, as aforesaid, will prove advantageous to the general public, and shall employ a competent road engineer or surveyor, trained or experienced in locating and grading and laying out roads, who shall make such surveys and plans for laying out, grading and improving the public roads of the township as shall be needful to properly carry out a general scheme of good roads for the township, having in view the connecting up of a full and complete connected system for the county; and for the purpose of laying out, locating, re-locating, widening, changing, opening up, constructing and working any public road within said townships the road commission thereof shall have power and authority to employ all necessary labor and fix the compensation of the same, and buy all material and machinery found necessary, and draw orders on the Treasurer of Scotland County as hereinafter provided for said road funds; and said road commissioners or any one acting under their authority, by their direction or under their supervision, may enter

Term of office.

Commissioners to be resident freeholders of township. Oath.

Organization.

Records.

Annual reports.

Quorum.

Title of commission.

Power to acquire and hold property.

Duties of commission.

Employment and pay of labor.

Material and machinery.

Road orders. Entry on land for road building.

Power to take material.	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, clay, sand, earth, timber or any necessary material contiguous to said road for opening, constructing, changing and working said road: <i>Provided</i> , that the township road commissioners may in their discretion let out by contract at fair and equitable prices the work of building, grading and constructing or repairing of any road or portion of road in their respective townships:
Proviso: roads may be let to contract.	<i>Provided</i> , that said work shall be done according to specifications prepared by the civil engineer: <i>Provided further</i> , that no work shall be received or paid for until the same shall have been approved by the road supervisor and the township road commissioners.
Proviso: specifications.	
Proviso: work not paid for until approved.	
Procedure for assessment of damages.	SEC. 7. That when any person or persons on whose land the new road or part of road is located, or an old road to be widened, changed or extended, claims damages therefor in excess of what the township road commissioners deem just and offer to pay, and within thirty days shall petition said township road commission for a jury to assess the damages, the said township road commission, within not less than fifteen nor more than sixty days after the completion of said road, shall order a jury of five freeholders who are residents of said township, none of whom shall be related to the person claiming damages, to be summoned by the sheriff or by a township constable of the township, on a notice issued by the said road commission, to meet and assess the damages, if any, sustained by the petitioner, which 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 meeting of the township road commission. 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 same; and if the said benefits be considered equal with the damages sustained, the jury shall so declare; but if the damages shall be found to exceed 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 awarded, shall be paid out of the road funds of the township by order of the township road commission. In case either party be dissatisfied with the finding of the jurors, such dissatisfied party may appeal to the Superior Court of Scotland County, which appeal may be taken without bond, and the same shall be heard <i>de novo</i> ; but the judge may in his discretion require either party to give bond after the appeal is docketed in the Superior Court, and may hear the motion for same at any term of court held for said county, civil or criminal.
Payment of damages.	
Right of appeal.	
Judge may require bond.	
Election of supervisors.	SEC. 8. That said township road commission shall elect for each township voting for approval of this act, and for good roads, as herein provided for, a township road supervisor, who may be

any competent person and need not be a citizen of the township or county, which township road supervisor shall take and subscribe an oath and file the same with the clerk of the Superior Court of the county before entering upon the duties as such supervisor, which oath shall be to faithfully and honestly discharge the duties of his position as supervisor of said township. Said township supervisor shall hold said position at the pleasure of the township road commission, and shall have such power and authority in the employment of labor, the purchase of material and machinery, and otherwise, as said road commissioners may confer upon him, not inconsistent with this act and the law of the State, and no other. Such power as said township road commissioners shall confer upon said supervisor may be withdrawn at any time. Said township road commissioners shall fix the compensation of said supervisor, and he shall receive no other compensation for his services, except such as may be allowed by the township road commissioners. Said township road commissioners and supervisor shall not be in any way interested in supplies bought for the roads in the township, and shall not speculate in road claims of said township, under penalties prescribed for county commissioners in sections three thousand five hundred and seventy-two and three thousand five hundred and seventy-five of the Revisal of one thousand nine hundred and five of North Carolina. In construing this provision said sections shall be construed as having the township officers aforesaid inserted, and instead of the word "county," wherever the same occurs in said provisions, the word "township" shall be substituted for the purposes of this act.

Supervisor to be sworn.

Term at pleasure of commission.

Power and authority.

Compensation of supervisor.

Interest in road contract and speculation in road claims forbidden.

SEC. 9. That the road taxes levied under this act shall be collected by the sheriff of the county when and as he collects other taxes, under the same regulations and penalties and punishment as the law provides or shall provide for the collection of tax for county purposes generally, and he shall receive the same compensation as shall be allowed on collections of other taxes for said county for general 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 of road funds which the county commissioners or other body determining the amount of sheriff's and treasurer's bonds shall deem likely shall come into the possession of such officer, which shall at all times be as much as fifty per centum larger than the amount of such taxes levied the preceding year; and the Treasurer of Scotland County shall make bond before receiving the purchase of the bonds sold under this act in an amount fifty per centum greater than the amount to be received from the sale of such bonds. Said bonds shall be approved by the commissioners of Scotland County, and it shall be their duty to institute action thereon, in case of breach of the same, for and in behalf of said damaged township.

Collection of road taxes.

Compensation of sheriff.

Bond of sheriff.

Bond of treasurer.

Road orders.

SEC. 10. The treasurer shall honor all orders of the several township road commissions, in so far as he has funds in his hands to the credit of such township with which to do so, and shall disburse the funds in his hands to the credit of each township road fund only upon orders of the township road commission, signed by the chairman or acting chairman of the said commission and attested by the secretary of such township commission. The treasurer shall account to and settle with the Board of County Commissioners of Scotland County for all moneys received on account of each township road fund at the same time he makes settlement with said board of county commissioners for general county purposes. In such settlement said board of commissioners shall credit said treasurer with all orders of the township road commission paid by him, and said board of county commissioners shall cancel such orders and keep same on file for twelve months in the vault of the register of deeds.

Accounts and settlements.

Accounts between county and township.

SEC. 11. That the Board of County Commissioners of Scotland County shall ascertain what amount of road funds shall be on hand for the several townships of the county and if any of the townships are in debt to the road fund, and shall render a statement of the balances on hand for and to be due to each township and the sum due by such townships as are in debt, and the sum to be collected on taxes, and charge the sheriff properly with the collections and the treasurer with the funds on hand and credit him with any sums due him, and make statement of same to the township boards, which statement shall be entered on the minutes of the board of county commissioners and of the township commission; and such sums as are in the hands of the county treasurer for the various townships shall be a credit to such township, and any deficit shall be charged against the road fund of such township. All road funds belonging to the several townships shall become the property of the township road commission of such township, and all taxes due on account of special road tax in said county and remaining unpaid shall, upon collection, be placed to the credit of the township in which same was collected, to be expended by the road commission of that township. The machinery and property of the road force of the county shall be turned over to the several township commissions, to be divided pro rata among the townships according to assessed valuation of property in the townships, as the several road commissions shall determine shall be best. The provisions of this section shall be operative on the first Monday of June following the election herein provided for, and only apply to those townships in which a majority of the votes shall be cast for good roads. The several laws and provisions in force for the county of Scotland shall remain in force and apply to such townships as may not cast a majority vote in favor of good roads at the election herein provided for, and the board of county commissioners of the county shall continue to administer

Funds the property of road commission.

Machinery and property divided pro rata.

Operation and application of section.

Present road law in force for townships not voting bonds.

the law and control the roads of such townships failing to cast such majority vote in favor of the provisions of this act; but those townships casting a majority vote in said election for good roads, as hereinbefore provided for, shall come within the provisions of this act.

SEC. 12. That said township road commissioners of each township shall meet 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 the said township road commissioners shall receive as compensation for their services the same pay as is allowed to the county commissioners of Scotland County for each monthly meeting and not exceeding one call meeting each month, and no more.

Meetings of road commissioners.

Compensation.

SEC. 13. That the county commissioners of Scotland County are hereby authorized and directed to levy and collect annually in those townships that vote for bond issue a special tax of eight and one-third cents on the one hundred dollars' worth of property, real and personal, of whatever description, and twenty-five cents on polls, to be known and used as a repair road fund for the respective townships, and in no other manner. The Treasurer of Scotland County shall keep the taxes collected in the respective townships in separate accounts, known as the repair road fund of Township. The road commissioners of the different townships shall annually expend so much of the funds raised under this section repairing and keeping in repair the roads of their townships that have heretofore been or shall hereafter be worked, graded or built as may be necessary to keep them in good condition and repair.

Special tax as repair road fund.

Separate accounts.

Expenditure of fund.

SEC. 14. That the persons named herein shall be the township road commissioners for said county, until their successors are elected and qualified, to-wit: For Spring Hill Township, J. H. McLean, Fairley Murray and J. A. McKay; for Laurel Hill Township, D. Z. Hardin, J. McN. Patterson and R. E. Warwick; for Stewartsville Township, R. R. Covington, L. B. McKinnon and E. J. Hester; for Williamson's Township, J. C. Mason, A. Hugh McDonald and T. G. Gibson. Said commissioners named for such townships as shall be found in the election provided for to have cast a majority vote in favor of good roads shall meet and organize for each of such townships within ten days after the election provided for, and shall elect one of their number chairman and another secretary. The three township commissioners shall determine by lot and name one of their number whose term of office shall expire the first Monday in April, one thousand nine hundred and ten, and one of their number whose term of office shall expire the first Monday in April, one thousand nine hundred and eleven, and one whose term of office shall expire the first Monday in April, one thousand nine hundred and twelve, and shall certify

Road commissioners named.

Meeting and organization.

Terms of office.

	the same in writing, under the hand of the chairman and secretary, to the board of county commissioners, who shall cause the report thereof to be spread on the minutes of the board of county commissioners, and thereafter the several road commissioners' terms of office shall expire in accordance with said report: <i>Provided always</i> , that the term of each and every road commissioner shall extend until his successor is elected and has qualified.
Proviso: term until successor is elected and has qualified. Signposts.	
Mileposts.	SEC. 15. The township road commissioners may cause signposts to be placed at all intersections of public roads, giving the name of the most important points to which such roads lead in each direction, with the distance, and the said commission may cause mileposts to be erected along said roads, giving the distance to the most prominent point to which the road leads.
Acts declared misdemeanors.	SEC. 16. Any person obstructing, disfiguring or rendering any public road unfit for travel, or who shall cut up the same or make deep ruts in same by means of log carts, plows or by the process of "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 this section: <i>Provided</i> , that anyone hauling logs or "snaking" logs over any road who shall within forty-eight hours repair fully and completely such injured road shall not be subject to the penalty herein provided. Any person obstructing any drain made by the road commission, or the supervisor under their direction, by which said road is drained, shall be fined not more than fifty dollars or imprisoned not more than thirty days.
Proviso: log haulers repairing road exempt.	
Punishment.	
Punishment for obstructing drains.	
Emergency work.	SEC. 17. In case of extremity and necessity, caused by wind, floods or forces of nature, it shall become necessary to clear and repair the public roads immediately; and if there be not sufficient force of laborers available, then the township road commissioners or any one of them shall have full power to order out such number of persons as in his or their judgment may be necessary to clear and repair the roads within the township; and the supervisor shall notify such persons and summon them to work on the public roads not exceeding three days at any one time, and they each who attend and work shall be paid the usual and standard wages for such work: <i>Provided</i> , that only persons able-bodied and between the ages of eighteen and forty-five shall be subject to duty under this section, and suitable substitute may be tendered in lieu of personal service. Any person so ordered out and refusing to attend and work or to send a suitable substitute shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars.
Pay for work.	
Proviso: persons subject to duty.	
Substitute.	
Refusal to attend and work a misdemeanor.	
Punishment.	
Election of successors to road commissioners.	SEC. 18. That, annually, beginning with the years one thousand nine hundred and ten, the two road commissioners of the township road commission whose terms of office do not expire during the then current year shall, on the first Monday in March of each year, meet at the courthouse and sit with the Board of County

Commissioners of Scotland County in their regular monthly meeting to be held that day; and if no such meeting be held on said day, notice of the time for the next meeting thereafter shall be served on such members of such road commission entitled to sit with said board of county commissioners, and they shall attend said meeting, and, sitting in such joint meeting, the said joint board shall proceed to elect a successor to such road commissioner for the township then represented whose term is about to expire. The chairman of the board of county commissioners shall preside and each member of the joint board shall have one vote. A fair record of such proceedings shall be made as a part of the minutes of the said board of county commissioners, and notice shall issue to the person elected as such road commissioner. Such action shall be repeated for each of the townships having such vacancies occurring in its road commission. All vacancies shall be filled in like manner, the two remaining members of the township board sitting and acting with the board of county commissioners. The election, in case of vacancy, shall be for the remainder of such term as has not expired. Resignations, if any, on the part of members of the road commission for any township shall be handed in to the board of county commissioners and notice shall issue to the other road commissioners of said township to attend the first regular meeting of the board of county commissioners held thereafter. Said joint board shall be legally constituted when a majority quorum is present, and a majority vote shall be necessary to a choice or election. Said joint board may adjourn to another day without action, but shall meet again within ten days thereafter, at the courthouse, for the purpose of transacting the business properly before the same. A minority of said joint board meeting may adjourn until another day, and issue notice thereof to the other members of said joint board. Mailing notice three days in advance thereof to the usual address of each member, with postage prepaid, shall constitute sufficient notice to those members of the joint board whose presence is expected at any meeting and to whom notice is required to be given, unless it shall be shown that such notice has not been delivered in the due course of mail to the member addressed.

Sec. 19. That this act shall apply to all incorporated towns and villages of the townships of said county; and in the townships voting for good roads, as herein provided, there shall be levied upon the property and polls within such towns and villages such taxes and assessments as are levied on property and polls of other parts of said townships, as provided for under this act; and the main thoroughfares or streets which run through said incorporated towns or villages, or portions of the same, and on into the country, shall be worked, graded and improved in every way by said township road commissioners, in the same manner as the roads of said townships lying outside of incorporated towns and

Proviso: side streets and alleys. villages are worked, graded and improved: *Provided*, that they shall not work side streets and alleyways in said incorporated towns which begin and terminate in said towns.

Width of roads. SEC. 20. That the roads herein provided for shall be open and clear of all obstructions and ditches not less than twenty feet and not more than forty feet wide.

Effect on present road law. SEC. 21. That nothing in this act shall change or alter, repeal or amend the present road law for Scotland County until the qualified voters of a township or townships shall vote for good roads as hereinbefore provided for, and then only in such townships so voting shall the present road law for Scotland County be repealed, and in such township or townships it shall be repealed.

SEC. 22. That all laws and clauses of laws in conflict with this act are repealed in so far as the operations of this act affect same.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 452.

AN ACT TO ESTABLISH WITHIN THE CITY OF HICKORY A SPECIAL COURT, TO BE CALLED THE POLICE COURT, AND PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Court established. SECTION 1. A special court for the trial of misdemeanors and for other purposes, to be designated as the police court of the city of Hickory, is hereby established, with the following jurisdiction:

Offenses against ordinances, by-laws, rules and regulations of city. (a) With exclusive original jurisdiction over all offenses arising from the violation of all ordinances, by-laws, rules and regulations of the board of aldermen within the corporate limits of the city of Hickory and within Hickory Township.

Misdemeanors committed within city or township. (b) With jurisdiction, power and authority for the trial and determination of all misdemeanors created by the laws of the State of North Carolina committed within the corporate limits of the city of Hickory and within Hickory Township.

Offenses below felony committed in city. (c) With exclusive original jurisdiction over all criminal offenses committed within the corporate limits of the city of Hickory below the grade of a felony, as now defined by law, and all such offenses committed within said city are hereby declared to be petty misdemeanors.

As court of preliminary trial. (d) With exclusive original jurisdiction to hear and determine the question of probable cause and bind over to the Superior Court of Catawba County for all offenses committed within the corporate limits of the city of Hickory above the grade of misdemeanors, where final jurisdiction is not given under this act.

(e) No provision of this act shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction with such police court of the city of Hickory over any misdemeanor now within the jurisdiction of such court, when committed without the corporate limits of the city of Hickory.

Jurisdiction of justices of the peace.

(f) Said police justice shall have power and authority to issue his warrants or other process for all persons charged with any criminal offense within his jurisdiction and have such persons brought before him, and hear, try and determine the charges against them and give judgment thereon; impose fines and sentences of imprisonment, penalties and forfeitures; issue executions and otherwise direct and compel the enforcement of his judgments, subject to the limitations of this act as to the amount of such penalties and punishments, with the right of appeal by the defendant from the judgment or sentence of the police justice's court to the Superior Court of Catawba County, under the same provisions of law as govern an appeal from inferior courts or from the court of a justice of the peace. In case a defendant, witness or other person shall be adjudged to be imprisoned by the said police justice's court, it shall be competent for the said court to sentence such person to imprisonment, on the county roads of Catawba County or the common jail of said county; and in case the defendant shall not pay a fine and costs for the violation of an ordinance of the city of Hickory the police justice's court shall have authority and power to sentence the defendant in such case to work on the streets or other public works of the city of Hickory or upon the public roads of Catawba County, and the defendant in such case shall have credit upon the amount so adjudged against him at the rate of one dollar (\$1) per day for every day in which he shall work upon the public streets or other works.

Power and authority of police justice.

Right of appeal.

Sentence to road or street work.

Fines and costs worked out.

Rate of allowance.

SEC. 2. The police justice's court shall have a seal, with the inscription, "Police Justice's Court of the City of Hickory, North Carolina," which shall be used in attesting all writs, warrants or other process or acts, judgments or decrees of said court, in the same manner and to the same effect as the seals of other courts in the State of North Carolina.

Seal of court.

SEC. 3. That the police justice may issue his process to the chief of police or to the city police, or to the sheriff, constable or other lawful officer of the county of Catawba; and such process, when attested by the seal of the police justice's court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*, that neither the chief of police nor the city police shall execute any process outside of the corporate limits of the city of Hickory unless the offense was committed within the corporate limits of said city.

Process of police justice.

Proviso: authority of city police.

- Costs and fees. SEC. 4. That the police justice shall charge and collect in all criminal cases two dollars as his costs therein, and all officers serving his processes the fees now allowed to police officers, sheriffs and constables, or as herein allowed; and the said police justice shall charge and collect as part of the costs an additional fee of two dollars and fifty cents (\$2.50) in all cases tried and determined before said police justice, where a justice of the peace would not have final jurisdiction, which fee shall be paid to the attorney of the city of Hickory as a part of his salary, to be fixed at any time by the board of aldermen of said city.
- Attorney's fee.
- Substitute police justice. SEC. 5. Should the police justice be prevented from attending the police court on account of sickness, absence or other disability, then in that case the mayor of the city of Hickory shall have power and authority to appoint some discreet and qualified person to act in the place of said police justice; and upon appointment by the mayor of such person, and after administering to him an oath of office that he will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and will faithfully perform the duties of police justice of the city of Hickory to the best of his skill and ability, such person so appointed shall have all the jurisdiction, power and authority herein conferred upon the regular police justice of said city, and shall receive the salary provided for the office while serving.
- Force and execution of judgments. SEC. 6. That the judgments rendered by the police justice under the provisions of this act shall have all the force, virtue and validity of judgments rendered by an inferior court under the laws of the State of North Carolina, and may be enforced and executed against the parties in the county of Catawba or elsewhere, in the same manner and by the same means; and all fines, penalties and forfeitures, fees and costs shall be collected by or paid to the chief of police of said city, who shall account for the same to the proper officer or officers as provided by law.
- Records kept by police justice. SEC. 7. That it shall be the duty of the police justice to keep an exact account and true record of all fines, penalties, forfeitures and punishments by him imposed under the provisions of this act, or for violation of any ordinances, by-laws, rules or regulations of the board of aldermen of said city of Hickory, in a book kept for that purpose, showing the name of the offender, nature of the offense, the date of hearing of trial, the punishment imposed, either the amount of fine or length of imprisonment, or the penalty or forfeiture imposed, and when and by whom the fine, penalty or forfeiture is paid.
- Penalty for violation of ordinance. SEC. 8. That the board of aldermen of the city of Hickory shall have power to impose a penalty of not more than two hundred dollars for each and every violation of any ordinance, rule or regulation adopted by such board of aldermen.

SEC. 9. That this act shall be in force and effect from and after the fifteenth of May, one thousand nine hundred and nine, and by that date the board of aldermen of the city of Hickory shall elect a police justice, as herein provided, whose term of office shall continue until the regular meeting of said board in May, one thousand nine hundred and ten; and annually thereafter said board, at its regular meeting in May, shall elect a police justice for said city to serve for one year, and shall fix the salary of said police justice during his term of office, to be paid to him monthly out of the city treasury.

When act effective.
Election of police justice.
Term of office.

SEC. 10. That all laws and clauses of laws, whether of a general or private nature, inconsistent with any of the provisions of this act be and the same are hereby repealed.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 453.

AN ACT TO CHANGE THE TIME OF HOLDING SUPERIOR COURTS IN PERSON AND ORANGE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of court fixed by section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, for Person County, for the "third Monday before the first Monday in September," be changed to the "fourth Monday before the first Monday in September," and the term fixed for the "third Monday before the first Monday in September" be abolished.

Term for Person changed.

Term for Person abolished.

SEC. 2. That the term of court fixed by said section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, for Orange County, for the "fourth Monday before the first Monday of September," be abolished.

Term for Orange abolished.

SEC. 3. That said section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, in the term of courts fixed for Guilford County, be amended on page four hundred and fifty-two of the Revisal of one thousand nine hundred and five, in line two on said page, by striking out the word "second" and inserting in lieu thereof the word "third," and by striking out therein, in line three, the words "one week" and inserting in lieu thereof the words "two weeks."

Term for Guilford changed.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 454.

AN ACT TO AMEND THAT SECTION OF THE REVISAL OF 1905 RELATING TO THE COURT CALENDAR OF SCOTLAND COUNTY, CORRECTING AN ERROR OF THE PRINTER.

The General Assembly of North Carolina do enact:

Error corrected.

SECTION 1. That that paragraph of section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, relating to the court calendar of Scotland County, be and the same is amended by striking out the word "third" therein and inserting in its place the word "thirteenth," it appearing that the records of the Secretary of State show that the printer of the Revisal made the error hereby corrected.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 455.

AN ACT TO ALLOW THE CITIZENS OF GASTON COUNTY TO HOLD AN ELECTION TO EXPRESS THEIR WILL CONCERNING THE PROPOSED REMOVAL OF THE COUNTY SEAT OF GASTON COUNTY FROM DALLAS TO GASTONIA, AND TO REMOVE THE COUNTY SEAT, AS AFORESAID, IF A MAJORITY OF THE VOTES CAST AT SAID ELECTION SHALL FAVOR SUCH REMOVAL.

The General Assembly of North Carolina do enact:

Date for election.

SECTION 1. That on the fifth day of August, one thousand nine hundred and nine, an election shall be held in the county of Gaston, this State, to ascertain the will of the people of said county as to the removal of the county seat from its present location in the town of Dallas to the town of Gastonia, in said county.

Appointment of registrars.

SEC. 2. That the Board of County Commissioners of Gaston County, at their regular meeting on the first Monday in June, one thousand nine hundred and nine, shall appoint a registrar who shall be a qualified elector in and for each election precinct in said county, which registrar shall, during the time which elapses between the first day of July, one thousand nine hundred and nine, and the twenty-fourth day of July, one thousand nine hundred and nine, inclusive (Sundays excepted), next preceding the day of election hereinbefore specified and designated, and between the hours of nine o'clock A. M. and six o'clock P. M., register in a book, which the said board of county commissioners shall furnish

Registration.

to him, the names of all persons applying to him for registration during the said time whose names are not now on the general registration books of Gaston County and who will be on the day of said election qualified to vote in that precinct under the general election law of the State. The registrar, in making this registration, shall administer the same oaths, require the same information and make the same record that registrars under the general election laws of the State existing during the year one thousand nine hundred and eight were directed to administer, require and make. The duly qualified electors registered by the registrars appointed under this act and the duly qualified electors whose names are already registered in the registration books of Gaston County shall be allowed to vote at the said election. The Register of Deeds of Gaston County shall furnish the general registration books of said county to the registrars of the respective precincts forty days before the date of said election, and they shall be returned to the register of deeds by the messenger who shall carry the certificates of the votes cast in the respective precincts. The board of county commissioners shall, also, at their regular meeting on the first Monday in June, one thousand nine hundred and nine, appoint two electors as judges of election for each election precinct in the said county, one of whom shall be known or presumed to be in favor of removal, the other known or presumed to be against removal. The said registrars and judges of election for each precinct, as aforesaid, shall constitute the board of election for that precinct, and shall fill by the appointment of an elector of said county any vacancy occurring on the said board of election, and each board of election shall provide a suitable box in which said ballots shall be cast. At the election provided for in this act those electors of the county of Gaston duly qualified under the provisions of this act who shall favor the removal of the county seat of Gaston County from its present location at Dallas to the town of Gastonia, said county, shall vote a ticket upon which shall be written or printed the words "For Removal," and those not in favor of the removal of the county seat of Gaston County from Dallas to Gastonia, as aforesaid, shall vote a ticket upon which shall be printed or written the words "Against Removal." The board of election of each precinct shall decide challenges and conduct the election, in such particulars as are not provided for in this act, in the manner specified by the general election law of the State existing during the year one thousand nine hundred and eight. The board of election of each precinct, as soon as the polls are closed, shall count the ballots and declare the result, and shall make and sign a certificate thereof, under the hands and seals of at least two of the said board, and shall deliver by the hand of one of the members of the board the said certificate to the Register of Deeds of Gaston County, as clerk to the Board of County Commissioners of Gaston

Law governing
registration.

Judges of election.

Board of election.

Vacancies.

Ballot boxes.

Ballots.

Law governing
election.

Count and return
of votes.

- County, who shall present the said certificate to the board of commissioners of said county at the meeting of the said board hereinafter provided for. The Board of County Commissioners of Gaston County shall meet in the courthouse at Dallas on the second day next after the day of election provided for in this act, and shall receive the said certificates from the register of deeds and shall canvass and cast up the votes as certified to by the said precinct boards of election, and shall declare the result of said election, and shall record the said certificate and result upon the minute book of the said commissioners.
- Canvass of returns. Sec. 3. That if at the election provided for in this act a majority of the votes cast at said election shall have favored the removal of the county seat of Gaston County from its present location at Dallas to the said town of Gastonia, the board of commissioners of said county shall erect or cause to be erected in the town of Gastonia suitable and all necessary buildings for a county seat, and, on completion of same, cause all court papers, books and documents, all county papers, books and documents and all movable county property to be moved to the said town of Gastonia before the first day of January, one thousand nine hundred and eleven, after which date the said town of Gastonia shall be in all respects whatsoever the county seat of Gaston County.
- Declaration and record of result. Sec. 4. That if at the election provided for in this act a majority of the votes cast at the said election shall have been against the removal of the county seat from Dallas to Gastonia, the board of commissioners of said county shall, without delay, provide suitable buildings at the present county seat of Dallas adequate and commensurate to the needs of the county.
- Erection of county buildings and removal of county seat if removal voted for. Sec. 5. The board of county commissioners of said county shall pay the registrars and judges of election appointed under this act whatsoever compensation the said board may deem reasonable for their services and the providing of ballot boxes as aforesaid.
- County buildings if removal negatived. Sec. 6. That notice of said election shall be given by the Register of Deeds of Gaston County by posting a notice of the same at the courthouse in Dallas and at three other public places in Gaston County at least forty-five days before the day herein fixed for said election, and by publishing said notice in the *Gastonia Gazette* and the *Gastonia News* twice a week and in *The Eagle* once a week for six weeks next before the day hereinbefore provided for holding said election; and said notice shall specify and designate the place and the time for holding the same, and the purposes for which said election is held.
- Pay of registrars and judges of election. Sec. 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, so far as they may apply to the election which shall be held under the provisions of this act.
- Notice of election. Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 456.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of rebuilding, grading, im- Election for bond
proving, working and maintaining the public roads of the county issue on petition.
of Lee, it shall be the duty of the board of county commissioners
of the said county, upon the petition of fifty voters of any Township.
township thereof asking for an election to be held for the purpose
of voting for a bond issue for public-road improvement, said Amount.
issue to be of such an amount as stated in the petition, not to
exceed twenty thousand dollars, to bear interest at not more Interest.
than five per cent and to run not less than forty years nor more Maturity.
than fifty years, to call an election for such township, to be held
at the polling place or places already established, at such time
as may be designated, at which election shall be submitted to the
qualified voters of such township the proposition to improve the
public roads by issuing bonds and levying taxes to pay the interest
and the principal at maturity.

SEC. 2. That at the time of ordering any election under this Advertisment of
act the said board of commissioners shall cause advertisement election.
thereof to be made for not less than thirty days in some news-
paper having general circulation in said county, setting forth
the date and the purpose of the said election; and in the event
a special election is ordered, as herein provided for, the board Registrar and
of commissioners shall appoint a registrar and two poll holders poll holders.
for each election precinct in such township, who shall make due Returns.
return of such election to the said board of commissioners, by Canvass of
whom such returns shall be canvassed and ordered recorded in the returns.
record of elections of said county. At said election the electors Ballots.
who are in favor of bonds shall vote a ballot on which shall be
either written or printed the words "For Bonds," and those
who are opposed to the bonds shall vote a ballot on which
shall be written or printed the words "Against Bonds." In all Law governing
other respects such election shall be conducted under the general elections.
election law, in so far as its provisions shall apply in similar
cases.

SEC. 3. That the said board of county commissioners shall have Issue and sale of
prepared and shall issue and sell to the best advantage on be- bonds.
half of those townships wherein a majority of the qualified
voters shall have voted for bonds, as herein provided, the amount
of the bonds voted at such election. Said bonds shall be of such Denomination.
denomination and shall be payable at such time and place and
to run for such time and to bear interest, payable annually, as
herein provided for, to every one of which shall be attached
coupons representing the interest, to be payable at such time

Authentication.	and place as the bonds shall be payable. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the clerk of the said board, and shall be styled "bonds for the improvement of the public roads for Township," and shall be issued as such, and the liability of the payment thereof shall be attached to and imposed upon the political division of the said county known as the township designated and as constituted at the time of the election herein provided for, and the said board of commissioners shall not issue bonds for any township wherein the majority of the qualified electors voted against bonds.
Style.	
Liability for payment.	
Special tax for bonds and interest.	SEC. 4. That for the purpose of paying the principal of the bonds issued and sold under this act, and interest thereon as the same shall mature and become due and payable, the said board of county commissioners are authorized and it shall be their duty to annually levy and collect a special tax sufficient for the aforesaid purpose, at the same time and in the same manner as other county taxes are levied and collected, upon all real and personal property and polls of each township wherein said bonds shall have been issued, observing the constitutional equation between property and polls.
Constitutional equation.	
Election of road supervisors.	SEC. 5. That at the election herein provided for bonds the qualified voters of such township shall vote for three men, resident in such township, to be known as road supervisors, and shall vote a printed or written ballot with the words "For Road Supervisor:, " whose duty it shall be, provided a majority of the qualified voters shall vote for bonds, to lay out said road as to them may seem most advantageous to the public, and to have generally the supervision of laying out, grading and improving said roads. Said road supervisors shall have power to employ a superintendent, whose duty it shall be to oversee the construction of the said roads, and to pay such superintendent reasonable compensation for his services. Said road supervisors shall receive as compensation for their services the sum of two dollars per day, to be limited, however, to twenty-five days out of the year. Said road supervisors shall hold their offices for a term of two years or until their successors are duly elected and qualified.
Duties of supervisors.	
Superintendent.	
Pay of superintendent.	
Pay of supervisors.	
Term of supervisors.	
Itemized accounts.	SEC. 6. That it shall be the duty of the road supervisors who shall be elected as herein provided for to submit to the board of county commissioners every three months after their election an itemized account of all funds by them expended, and the same shall be entered in the record of settlements of other county officers. Said accounts shall be signed by at least two of the said road supervisors and shall state the various amounts, to whom and for what purposes expended. Said road supervisors shall pay the register of deeds for entering such account out of the township bond money.
Fee of register of deeds.	

SEC. 7. That before entering upon their duties the board of Supervisors to qualify.
road supervisors elected as herein provided for shall take, subscribe and file with the Clerk of the Superior Court of Lee County an oath for the faithful and honest performance of their duties, and shall within three days thereafter meet and organize Meeting and organization.
by electing one of their number as chairman and one as secretary, and in all of their meetings a majority vote shall control.

SEC. 8. That for the purpose of paying for the work of locating, Road orders.
relocating and establishing the said roads the board of road supervisors shall have power to draw orders or warrants on the county treasurer, and the said county treasurer is hereby authorized and required to pay for the same out of the road funds in his hands.

SEC. 9. That when any person or persons on whose land a new Procedure for assessment of damages.
road or part of a road is to be located, widened, changed or extended, claims damages therefor in excess of what the township road supervisors may deem just and offer to pay, and shall within thirty days petition said township road supervisors for a jury to assess the damages, the said supervisors shall, within not less than fifteen nor more than thirty days after the completion of the said road, order a jury of five freeholders who are residents of said township, none of whom shall be related to the person claiming damages, to be summoned by the sheriff of the county or the constable of the township, on the notice issued by the said board of road supervisors, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the road supervisors; that said jury, in considering the question of damages, shall take into consideration the benefits to the owner of the lands by such road or change of the same, and if the said benefit be considered equal to the damages sustained the jury shall so declare, but if the damage exceeds the benefit they shall declare the amount thereof. The officer making the service shall serve a copy of the summons on each freeholder summoned as juror. The damages, if any are awarded, shall be paid out of the road funds of the said township by order of the township road supervisors. In case either party interested shall be dissatisfied Payment of damages.
with the finding of the jurors, such party may appeal to the Superior Court of Lee County, and an appeal taken by either party may be taken without bond, and the same shall be heard Right of appeal.
de novo; but the judge may in his discretion require either party Judge may require bond on appeal.
to give bond after the appeal is docketed in the Superior Court.

SEC. 10. That said road taxes shall be collected by the Sheriff Collection of road taxes.
of Lee County, under the same regulations and penalties and punishments as the law of the State now provides for the collection of the taxes of the county for general county purposes.

Commission and
bond of sheriff.

He shall receive the same commission for collecting the same as is allowed by law for the collection of taxes for general county purposes; and the said sheriff shall make bond for the faithful collecting and paying over the said taxes, in an amount to be fixed by the board of county commissioners, and the said county commissioners shall have the power and it shall be their duty to institute action thereon, in case of a breach of the same, and on behalf of the said damaged township.

Bond of treasurer

SEC. 11. That the Treasurer of Lee County shall make bond in an amount to be fixed by the board of commissioners for said county, conditioned for the faithful care and paying over, according to law, of the said funds.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 457.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO BUILD MACADAM ROADS WITHIN THE LIMITS OF INCORPORATED TOWNS.

The General Assembly of North Carolina do enact:

Streets forming
continuations of
macadamized
highways.

SECTION 1. That the Board of County Commissioners of Mecklenburg County are authorized and empowered, in their discretion, to grade and macadamize the streets of any incorporated town within said county when such streets form a continuation of the public highways of said county and when such highways are macadamized to the corporate limits of said town, it being the purpose of this act to authorize said board of county commissioners, when any public highway has heretofore been or shall hereafter be macadamized to the corporate limits of any incorporated town in said county, to grade and macadamize the streets in said county which form a continuation of said public highway in the same manner as if the same were a public highway of said county.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 458.

AN ACT TO CONSTRUCT A GRADED ROAD IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. W. Ray, J. F. Scott and A. C. Dancy be Commissioners and are hereby appointed commissioners for the purpose of having constructed a public road in Ashe County from a point near J. F. Johnson's residence, in Chestnut Hill Township, in Ashe County, leading up the South Fork of New River, so as to connect with the public road at or near the mouth of Peak Creek, in said county.

Commissioners appointed.

Route of road.

SEC. 2. That said commissioners shall first go and view out said road, and if in their opinion said road is necessary for the reasonable convenience of the citizens of said county, then they are authorized, empowered and directed to lay out said road and appoint competent road overseers to superintend the construction of said road, and said overseers so appointed shall have the same power and authority as the overseers of the public roads of Ashe County, and shall summon out all hands within one mile of the nearest point of said road, not exceeding ten days in any one year, until said road is constructed.

Inspection of road.

Appointment of overseers.

Power of overseers.

SEC. 3. That said road shall be constructed under the provisions and regulations of the general road law of Ashe County not inconsistent with this act.

Construction of road.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 459.

AN ACT AUTHORIZING PAYMENT OF DEPOSITS IN TRUST.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any deposit shall be made in any bank, banking institution or trust company doing business in this State by any person in trust for any person who is a minor of the age of fifteen years and upward, and no other or further notice of the existence and terms of a legal and valid trust shall have been given to the bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom said deposit was made: *Provided* the amount of said deposit is not in excess of fifty dollars (\$50).

Payment to person for whom deposit made.

Proviso: limit of amount.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 460.

AN ACT TO AMEND THE ROAD LAW OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and twenty-nine, Laws of one thousand nine hundred and one, be and the same is hereby amended as follows: In section two, line six, strike out the words "or surveyor" and add after the word "commissioners," in line ten, the following: "Such engineer shall make a survey and profile of such road and file the same with the clerk of board of county commissioners, and if the said board of commissioners shall build a road without first having had the same carefully surveyed by such engineer, as aforesaid, each and every member thereof shall forfeit the sum of fifty dollars, to be recovered by any person who may sue for the same." Also, in line fourteen of said section two, strike out of the word "five" and insert the word "three."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 461.

AN ACT TO PROMOTE HIGHWAYS OF SAURATOWN TOWNSHIP.

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, upon a petition of one-third of the qualified voters of Sauratown Township, Stokes County, as cast in the last preceding election for Governor, at such time or times as in its discretion it may deem best, to submit the question as to whether or not Sauratown Township shall issue bonds in a sum not to exceed the sum of twenty-five thousand dollars, with interest coupons attached, the proceeds of which shall be used for the purpose of repairing, making, improving, grading and macadamizing the public roads of said township. The said board of county commissioners shall for at least thirty days preceding the election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of the qualified voters of said township shall not vote to issue bonds at the election so held, said board of

county commissioners may submit the question to the qualified voters of said township at any other time or times under the provisions and regulations hereinafter enacted.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that the said board of county commissioners shall appoint the registrars, judges and inspectors of election and any other election officers; that the registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and the said county commissioners may or may not order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Law governing election.

Proviso: appointment of election officers.

Registration and challenge of voters.

Count and return of votes.

Tabulation and declaration of result.

SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written or printed upon them "For Good-roads Bond Issue" or "Against Good-roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Good-roads Bond Issue," and all qualified voters opposed to the issuing of the said bonds shall vote "Against Good-roads Bond Issue": *Provided,* that the fees to the registrars and other officers holding said election shall be one-half the fees allowed by the general election laws.

Ballots.

Proviso: fees of election officers.

SEC. 4. In the event that the requisite majority of qualified voters of said township shall vote for good-roads bond issue at said election, the result shall be declared and recorded in the records of the board of commissioners of said county; and after

Declaration and record of result.

the expiration of sixty days from such entry upon the records the same shall not be open to attack, but the record shall be deemed conclusive evidence of the truth thereof; and at the first regular monthly meeting of the Board of Commissioners of Stokes County held after said election the said board shall elect three electors, residents of said township, to be known as the Permanent-roads Commission of Sauratown Township, and their term of office shall continue two years and until their successors shall have been elected and qualified; and the said board of county commissioners shall have power to fill all vacancies, by death, resignation or otherwise, for any unexpired term: *Provided,* that at least one member of said permanent-roads commission shall at all times be a member of a different party from that of a majority of said board of commissioners, said member

Conclusive evidence after sixty days.

Election of "Permanent-roads commission of Sauratown township."

Term of office.

Vacancies.

Proviso: political affiliations.

Meeting and organization.	to be selected from the political party casting the next highest vote to that political party electing the majority of said board of commissioners at the last election held for the election of county officers; that as soon as practicable after the election of said members of the permanent roads commission they shall meet and organize by electing one of their members chairman of said commission, another of their members secretary, and another or some other suitable person who does not hold any county office at the time of said election treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best: <i>Provided further</i> , that the permanent-roads commission shall take an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability; and <i>Provided further</i> , that as the terms of office of said permanent-roads commission shall expire the Board of Commissioners of Stokes County shall elect their successors to same for a period of two years.
Proviso: commissioners to qualify.	
Proviso: election of successors.	
Designation of highways.	SEC. 5. The highways to be made, opened, built or improved by the permanent-roads commission under the provisions of this act shall from time to time be determined upon and designated by the permanent-roads commission and the chairman of the board of county commissioners in joint session. In determining upon said highway said joint board shall take into consideration the needs of the entire township 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 township.
Bonds to be prepared.	SEC. 6. In the event that the requisite majority of the qualified electors of said township 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 Stokes County shall have prepared bonds in the denomination not larger than one thousand dollars and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and the said bonds shall bear a rate of interest, to be determined, before the issue thereof, by the said board of county commissioners, not to exceed six per centum per annum, with the interest coupons attached, payable semiannually, during the time the said bonds shall run, and the principal thereof shall be payable twenty-five years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States, at such time and place or times and places as shall be designated by the board of commissioners; and both bonds and coupons shall be numbered consecutively, beginning with number one, and both bonds and coupons shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled "Sauratown Township permanent-roads bonds."
Denominations.	
Amount.	
Interest.	
Maturity.	
Authentication.	
Style of bonds.	

SEC. 7. Immediately upon the preparation and signing of said Deposit of bonds, bonds the same shall be deposited in some safe-deposit company or bank to be designated by the said board of commissioners, to be drawn out on the joint order of said board of commissioners and the said board of permanent-roads commissioners; and said permanent-roads 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 the fund with which to repair, make and improve the public highways of said township as aforesaid; and the expenses of said advertising and selling or any other necessary expenses in regard thereto shall be paid out of the first money arising from the sale of said bonds.

Advertisement and sale of bonds.

Expenses.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by said permanent-roads commission, by sale, exchange or otherwise, for less than their face value and accrued interest, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of said fund. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond which they are attached to. The bonds and coupons shall state on their face when they are due and when payable, and said bonds shall show by what authority they are issued. The said permanent-roads commission shall record all their proceedings in respect to said bonds in the minutes of their meetings; and whenever the same are sold, the number of bonds and their 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 permanent-roads commission shall at all times be open to the inspection of the commissioners of Stokes County.

Bonds not to be sold below par.

Specific appropriation of proceeds. *Proviso:* responsibility of purchasers.

Record of proceedings as to bonds.

Proviso: record open to inspection.

SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the treasurer of the permanent-roads commission, who shall keep said fund and all other funds which may come into his hands separate from all other funds, and he shall keep separate accounts of same; and said treasurer shall, annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to Sauratown Township, in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year by reason of this act, conditioned for his faithful safe-keeping of same and rendering a due account in respect thereto, and in all things holding and disposing and accounting for the same as is required by law, which bonds shall be passed upon, accepted and received by said permanent-roads commission; and all orders directed to said treasurer for the payment of money under this

Proceeds turned over to treasurer.

Funds kept separate.

Bond of treasurer.

Highway orders.

act shall state on their face that they are highway orders and to what account they are chargeable, and shall be signed by the chairman and secretary of said commission.

Special tax for interest.

SEC. 10. That in case any election held under the provisions of this act shall be in favor of issuing said bonds, the board of commissioners of the county of Stokes shall annually compute and levy, the first Monday in June, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation on which the said board of county commissioners now or may hereafter be authorized to levy taxes for general county purposes, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time as other taxes, and shall be paid over by the sheriff to the treasurer of the Permanent-roads Commission of Sauratown Township, which officers shall give a justified bond in an amount amply sufficient to cover said taxes—the former officer for collecting and paying over, and the latter for safe-keeping and proper disbursement of said funds.

Constitutional equation.

Collection of tax.

Special tax for sinking fund.

SEC. 11. For the purpose of creating a sinking fund with which to pay the principal of the said bonds issued under this act, it shall be the duty of the board of commissioners, at and after the expiration of five years from the date of said bonds, to annually levy and collect a special tax, in addition to that mentioned in section ten of this act, and a tax provided for in this section shall be equal in amount to one-twentieth of the amount of the bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section twelve of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said board of commissioners shall cease to levy taxes for said sinking fund.

Amount.

Funds kept separate.

SEC. 12. That the taxes levied and collected for the purposes specified, in sections ten and eleven of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used for the purposes for which they were levied and collected: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and said board of commissioners, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Proviso: surplus tax for interest.

Investments of sinking fund.

SEC. 13. That it shall be the duty of the Permanent-roads Commission of Sauratown Township to annually invest any and all money arising from the special tax collected under section eleven

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

SEC. 14. That the said permanent-roads 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 township, and shall purchase and hold such tools, machinery, implements and stock, and employ such overseers, foremen and laborers as they may deem necessary for the said purpose. The board of county commissioners may from time to time put in the custody and control of the permanent-roads 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 permanent-roads commission all or any part of said machinery and convict force. Said convicts, while in the custody and control of said permanent-roads commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the funds derived from said bonds; and the said permanent-roads commission shall have the power and authority to let out a contract or contracts for the construction or improvement of any part of the highways of said township. Upon letting out of any such contract the said permanent-roads commission shall require of the contractor or contractors a bond or bonds in a reasonable amount, to be fixed by said permanent-roads commission, for the full and faithful performance of the contract.

Purchase of tools, machinery and stock.

Overseers, foremen and laborers. County machinery and convict force.

Convicts employed on highways. Maintenance and guarding convicts.

Highways may be let to contract.

Bonds of contractors.

SEC. 15. That the highways in said township constructed or improved under this act shall not be less than fourteen nor more than thirty feet wide, at least nine feet of which shall be graded and macadamized as soon as is expedient.

SEC. 16. That as soon as the permanent-roads commission shall deem it necessary they shall elect a highway superintendent for

Election and compensation of highway superintendent.

Superintendent to qualify and give bond.	the said township and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said permanent-roads commission. Said person so elected shall take and subscribe to an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of one hundred dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by the said permanent-roads
Term of office.	commission. Said highway superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said permanent-roads commission 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 permanent-roads commission, and shall have such authority and perform such duties as may be from time to time determined by said permanent-roads commission.
Removal for cause.	
Duties and authority of superintendent.	The said permanent-roads commission shall also have the power and authority in their discretion to employ a competent civil engineer to assist in the planning and construction of the highways, and shall be authorized to pay said civil engineer such sum for his services as in their judgment may be reasonably fair.
Employment of engineer.	SEC. 17. That said permanent-roads commission shall require the treasurer of said commission to account to them quarterly for the said highway fund, and may require, as often as deemed best, reports from officers and employees concerning the progress in their duties and to what extent and in what manner they have performed the same.
Quarterly accounts from treasurer. Reports from officers and employees.	SEC. 18. That in opening new highways, widening and straightening old roads and repairing the same, the permanent-roads commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways; and if the permanent-roads commission and the owner or owners of said land cannot agree as to the damages, if any, the permanent-roads commission shall, within sixty days after said highway is completed, cause to have summoned three freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists, with the right of appeal as provided in special proceedings: <i>Provided further</i> , that before entering upon lands as authorized by this section it shall be the duty of the permanent-roads commission to serve notice upon the owner or owners of said land, notifying the said owner or owners that the highways are to be located upon such land and under the authority of this act.
Entry on lands for roads.	
Procedure for settlement of damages.	SEC. 19. 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: <i>Provided</i> , that persons who are required to work
Proviso: notice to landowners.	
General road law not repealed. Proviso: free and convict labor kept separate.	

under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crimes and sentenced to the road.

SEC. 20. That said permanent-roads 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. Medical attention to convicts.

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

SEC. 22. That any permanent-roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court, or both, and shall be removed from office; and any permanent-roads 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 permanent-roads commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes. Fraudulent order a misdemeanor. Punishment. Failure or refusal to perform duties a misdemeanor. Punishment. Proviso: removal of roads commissioners for cause.

SEC. 23. That the permanent-roads commissioners shall, for the time they are actually engaged in the performance of their duties as required by this act, receive two dollars a day for their services, to be paid upon the order of the permanent-roads commission out of the funds provided for in this act. Pay of roads commissioners.

SEC. 24. 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 public roads in the county. Highway.

SEC. 25. *Provided,* that any township in said county of Stokes complying with the provisions of section one of this act shall be allowed to hold an election to issue bonds, not to exceed twenty-five thousand dollars, for the purpose of repairing, making, improving, grading and macadamizing the public roads of such township, under the rules, regulations and provisions of this act. Proviso: any township to hold bond elections.

SEC. 26. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 462.

AN ACT TO PAY JURORS IN THE COUNTY OF SWAIN.

The General Assembly of North Carolina do enact:

Per diem and
mileage.

- Special venire-
men.

Proviso: county
commissioners to
order payment.

SECTION 1. That all jurors who are summoned and serve on the jury in the Superior Courts of Swain County, Graham County, Ashe County and Jackson County shall receive one dollar and fifty cents per day and five cents per mile for their services; and all jurors summoned in capital cases as special venire shall be paid the same as other jurors, whether they serve on the jury or not: *Provided*, the boards of county commissioners of the respective counties shall so order.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 463.

AN ACT TO PREVENT THE KILLING OR CAPTURING OF
QUAIL IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Protection for
three years.

Violation of act a
misdemeanor.
Punishment.

Proviso: persons
hunting on own
lands or by per-
mission.
Open season.

SECTION 1. That it shall be unlawful for any person to hunt, shoot or in any way or manner kill or capture, trap or net any quail or squirrels in Caldwell County for three years after the ratification of this act; 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 fifty dollars or imprisoned not more than thirty days: *Provided*, this act shall not apply to any one hunting upon their own lands or upon the lands of another with the permission of the owner thereof, between the twentieth day of November and first day of January.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 464.

AN ACT TO IMPROVE THE PUBLIC ROADS OF COLLY TOWNSHIP, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the powers and authority of the Board of Supervisors of Colly Township, Bladen County, be and are hereby enlarged; that they may, when necessary, compel overseers of public roads to place pine straw or other material in the wheel ruts of public roads in such township. Straw in wheel ruts.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 465.

AN ACT TO AMEND CHAPTER 50 OF THE PUBLIC LAWS OF 1901, ENTITLED "AN ACT RELATING TO HIGHWAYS, PUBLIC ROADS, BRIDGES, FERRIES AND FORDS," AS TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty of the Public Laws of one thousand nine hundred and one be amended as follows:

First. By striking out of section seventy-two of said act, after the word "pay," in line nine, and before the word "to," in line ten, the words "any sum not exceeding fifty dollars nor less than twenty-five dollars," and inserting in lieu thereof the words "the sum of fifty dollars." Penalty for damage to roads by railroad companies.

Second. By striking out of section seventy-three, after the word "forfeit," in line eight, and before the word "to," in line ten, the words "any sum not exceeding fifty dollars nor less than twenty-five dollars," and inserting in lieu thereof the words "the sum of fifty dollars." Penalty for failure of railroad company to discharge duties as to repairing roads.

Third. By striking out of section seventy-four, after the word "pay," in line twelve, and before the word "and," in line thirteen, the words "any sum not exceeding twenty-five dollars nor less than five dollars," and inserting in lieu thereof the words "the sum of twenty-five dollars." Penalty for obstructing crossing.

Fourth. By striking out all of section seventy-five and inserting in lieu thereof the following: "It shall be unlawful for any person or corporation to obstruct or cause to be obstructed the drainage of any public road or highway, or to empty the water from any culvert, ditch, pipe or other conduit into any such public road Acts affecting drainage of roads made unlawful.

or highway, or to stop up or prevent the flow of water through any ditch, pipe or other conduit constructed along, over, across or under any public road or highway for the purpose of draining the same or the land contiguous thereto, or to fail and refuse, after ten days' written notice from the supervisor of roads and highways or other lawful officer, to unstop or remove any obstruction heretofore placed by such person or corporation in any culvert, ditch, pipe or other conduit so constructed along, over, across or under any such public road or highway for the purpose of obstructing or retarding the flow of water through any such culvert, ditch, pipe or other conduit. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

Misdemeanor.

Punishment.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 466.

AN ACT TO AMEND SECTION 2457, REVISAL OF 1905, RELATING TO FISHING IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and fifty-seven of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following: "*Provided*, that this section shall not apply to the creeks in the sound between Bogue Inlet and Brown Inlet, in Onslow County, except the main channel thereof.

Proviso: creeks in sound excepted.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 467.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST IN CERTAIN STREAMS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to throw or permit sawdust to go into streams.

SECTION 1. That it shall be unlawful for the owner or any other person having charge of any steam sawmill in the county of Alamance to throw the sawdust of said mill or permit the

same to go into Haw River, Big Alamance and Little Alamance Streams creeks or any of the tributaries of the said river and creeks, and ^{protected.} any person violating the provisions of this act shall be guilty of Misdemeanor. a misdemeanor, and upon conviction shall be fined not less than Punishment. five dollars (\$5) nor more than twenty-five dollars (\$25) or imprisoned twenty (20) days for each and every offense.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 3d day of March, A. D. 1909.

CHAPTER 468.

AN ACT TO ABOLISH THE JANUARY TERM OF THE SUPERIOR COURT FOR NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the January term of the Superior Court of Term abolished. Northampton County, beginning on the sixth Monday before the first Monday in March, be and the same is hereby abolished.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 469.

AN ACT TO SECURE THE BETTER DRAINAGE OF LOW- LANDS IN FORSYTH, SURRY, STOKES, ROCKINGHAM AND DAVIDSON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That upon application by petition to the clerk of the Superior Court, signed by three or more citizens, landowners ^{Petition for establishment of drainage district.} on any creek or some of its tributaries in the counties of Forsyth, Surry, Stokes, Rockingham and Davidson, setting forth that it is their desire to have the said creek or some portion thereof or its tributaries drained under the provisions of this act, describing the land sought to be drained lying on said creek and each and all of its tributaries, as well as possible, and the manner of drainage, and giving the names of the several and respective owners thereof, and praying said court to declare all of the territory described in said petition a drainage district, the clerk of the Superior Court shall appoint a day for hearing, and shall hear said petition, after not less than ten days' notice to each owner ^{Day for hearing.} ^{Notice to land-owners.}

District to be declared and defined.	and upon said hearing, if it shall appear that it shall be to the advantage of the several and respective owners of lowlands described in the petition, or a majority of them, to have their land drained, he shall in each case make an order declaring and defining a drainage district, to be taken charge of and drained under the direction of drainage commissioners, and shall appoint not less than three nor more than five persons, landowners on said creek or its tributaries, to be designated as drainage commissioners for said district, and numbered in the order in which it is granted, such number to be a part of the corporate name of the respective drainage district provided for in section thirteen
Drainage commissioners.	of this act, from which order any persons whose rights are affected shall have the right to appeal to the Superior Court, upon giving bond in the sum of two hundred dollars, conditioned to pay such cost as shall be adjudged against him.
Right of appeal.	
Bond on appeal.	
Meeting and organization of drainage commissioners.	SEC. 2. That the said drainage commissioners so appointed shall, upon notice by the said clerk, meet at a place by him designated, and shall organize by electing one of their number chairman and by electing a secretary and treasurer; that at said meeting and all subsequent meetings a majority of said commissioners shall constitute a quorum for the transaction of all business; that any vacancy occurring for any cause in said board of drainage commissioners and any vacancy occurring in the office of the chairman or secretary and treasurer shall be filled by the commissioners herein appointed or a majority of them, or in case they fail to fill said vacancy within a reasonable time the same shall be filled by the said clerk of the Superior Court.
Quorum.	
Vacancies.	
Overseers' sections.	SEC. 3. That as soon as said drainage district shall have been declared and established under the provisions of this act the board of drainage commissioners shall proceed to lay off said creek and its tributaries into overseers' sections, of not less than a mile nor more than two miles in length, and shall appoint an overseer for each of said sections, who shall hold his place at the will of said board of drainage commissioners: that the said board of commissioners shall from time to time subdivide said overseers' sections, as they may deem proper and expedient, into smaller sections, for the purpose of ditching and draining the same.
Appointment of overseers.	
Subdivision of sections.	
Appointment of jury of view.	SEC. 4. That as soon as the drainage district has been divided and subdivided, as hereinbefore provided for, the clerk of the Superior Court shall, upon application of the board of drainage commissioners and upon notice of not less than ten days to all of the owners of lowlands to be affected, appoint a jury of three disinterested freeholders, whose duties it shall be to go upon the
Notice to land-owners.	lands to be drained, make an estimate of the number of acres of sobbed or overflowed land belonging to each owner within the drainage district, and describe the mode and means to be used to best secure the drainage, and to condemn and authorize the
Estimate of lands.	
Mode of draining. Dams and obstructions.	

removal of dams and other obstructions thereon, and also an estimated cost of draining the same, and shall at the same time estimate and assess the damages, if any, and the benefits to such owners arising out of the drainage thereof; and said jury shall make a report of their action to the clerk of the Superior Court within ten days after the completion of their work.

SEC. 5. That upon filing said report the clerk of the Superior Court shall issue a notice to each landowner to appear on a day appointed by him for hearing, which notice shall be served at least ten days before such hearing, notifying each landowner to appear and file exceptions to said report, if they see proper. The commissioners shall also be notified by mail of said hearing. Upon the hearing the clerk shall pass upon all questions presented by exceptions and enter his findings in the form of a judgment, from which judgment any parties interested may appeal to the Superior Court upon giving bond as hereinbefore required for costs; that said judgment shall be docketed on the judgment docket of the Superior Court in the name of the board of drainage commissioners of the designated district against the owners of the tracts of land upon which the assessment by the jury is made, and such judgment shall be a lien upon the lands of the several and respective landowners.

Judgment upon hearing.

Right of appeal.

Bond on appeal.

Judgment docketed.

Judgment a lien on lands.

SEC. 6. That the amounts so assessed against the several and respective tracts of land, as provided for in this act, or so much thereof as may be required by the board of drainage commissioners, shall be from time to time collected by the sheriff of the county upon execution issued upon the judgments rendered against the same, unless paid by the parties against whose lands the assessments are made; and when collected or paid, they shall be paid to the secretary and treasurer of the drainage board, to be applied to the payments of all costs incurred in carrying out the provisions of this act and in ditching the lowlands in the drainage district and in stopping the flow of said sand as hereinafter provided for; and in raising all funds to pay necessary costs and expenses, including expenses of surveying, if necessary, shall be apportioned among the various and respective landowners according to the amount of assessed benefits to their lands.

Collection of assessments.

Application of assessments.

SEC. 7. That in all cases the various and respective owners of slobbed or overflowed lands shall have the right to open the ditches under the supervision and direction of the overseer in whose section their land lies, at his own expense, in lieu of paying the assessment made against him: *Provided* he does the work within the time fixed by the board of drainage commissioners, and in such cases shall only be liable for his proportion of necessary costs and expenses.

Work done by owner.

Proviso: time for work.

SEC. 8. That the said board of drainage commissioners is hereby invested with power and authority to cause to be erected and

Dams or dikes.

placed across the channel of any such creek in the district to be drained, or any of its tributaries, from time to time, as the work progresses, a dam or dike, level with the flowing water, but not so as to unnecessarily pond and overflow the lands above such dike; this dam or dike to be so built that it will hold back the flow of sand and drift while the creek below such dam or dike is being ditched and opened for the flow of water.

Other dams and
dikes.

SEC. 9. That as soon as the land below said obstruction has been properly ditched the said board of commissioners is authorized and empowered to build and erect another dam or dike further up the stream or streams for the like purpose of holding back sand or drift, until the next section lying immediately below such dike shall have been properly ditched; and the board is empowered and authorized to thus build dikes from time to time along said stream and its tributaries and maintain the same, until the lowlands on both the main creek and its tributaries shall have been ditched and rendered fit for cultivation; and any person interfering in any way with such dikes, except by order of the board, shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined at the discretion of the court, not exceeding fifty dollars.

Interference with
dikes a misde-
meanor.
Punishment.

Landowners to
obstruct flow of
sand.

SEC. 10. That during the process of ditching the lowlands described in this act, and after the same has been completed, it shall be the duty of each owner of land affected by this act to obstruct the flow and washing of sand into said creek or any of its tributaries from lands adjacent to the lowlands on said streams by filling and damming all washes and gulleys necessary to prevent such flow of sand; all this to be done under the direction and supervision of said commissioners or the overseer of the section including such lands.

Work done by
overseer on failure
or refusal of
landowner.

SEC. 11. That in case any landowner shall fail or refuse to stop the flow of sand and prevent the same being carried into said creek or any of its tributaries, as provided for in this act, the work shall be done by the overseer in whose section such land lies, and the cost thereof shall be paid by the owner of the land so failing or refusing to stop the flow of sand, to be recovered in an action brought by the said board of commissioners in any court having jurisdiction thereof.

Recovery of cost
of work.

Landowners to
furnish hands.

SEC. 12. That at any and all times when it may become necessary to reopen, repair or protect ditches already open under the provisions of this act, or to stop the flow of sand, as provided for in this act, the board of drainage commissioners are authorized and empowered to require each and every owner of bottom land drained under the provisions of this act to furnish hands or laborers to do such work, always being governed by the value of assessed benefits as provided for in this act. In fixing the number of such hands and the amount of labor to be performed, so as to bear equally upon each landowner in proportion to the

Apportionment of
labor.

benefit to be derived by him, such laborers or hands to be worked by the respective overseers upon three days' notice to the land-owners in his section; the purpose of this act being not only to open and drain the lowlands of Forsyth, Surry, Stokes, Rockingham and Davidson counties, but to preserve the canals and ditches perpetually.

SEC. 13. That for the better carrying out of the purpose of this act the said commissioners appointed under the provisions of this act and their successors in office are hereby declared a body corporate, with perpetual succession and with authority to institute and prosecute any suit or action in any court in this State in the name of the board of drainage commissioners for the section so named, and shall likewise be liable to be sued as such board, but neither of said commissioners or their successors in office shall ever be held personally liable for any act done in his official capacity.

Commissioners incorporated.

Corporate powers.
Corporate name.

Commissioners not personally liable.

SEC. 14. This act shall not be construed as repealing any portion of chapter eighty-eight of the second volume of the Revisal of one thousand nine hundred and five, but the powers given under this act are intended to be in addition to the powers in said chapter.

Construction of act.

SEC. 15. That in any proceeding had under this act, in which the clerk of the said Superior Court is interested as landowner in the district sought to be declared a drainage district, then such petition and proceedings for the establishment of such drainage district in which he is so interested shall be filed and had with the board of county commissioners, and all proceedings thereunder shall be by them conducted in the same manner and with the same powers and duties as is conferred upon the clerk of the court under this act.

Proceedings before county commissioners when clerk is party in interest.

SEC. 16. That this act shall apply to the counties of Forsyth, Surry, Stokes, Rockingham and Davidson only.

Application of act.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 470.

AN ACT TO PROVIDE A BOARD OF AUDIT AND FINANCE FOR THE COUNTY OF ROBESON AND TO FIX THE DUTIES OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to perform the duties heretofore performed by the finance committee of Robeson County, under the general law, and certain other duties as fixed in this act, there

Board of audit and finance created.

Appointment of board.	is hereby created a board to be known as the "Board of Audit and Finance of Robeson County." Said board shall consist of three members, who shall be appointed by the General Assembly of North Carolina at its present session and biennially thereafter.
Term of board.	The term of office of the members of said board shall be for two years and until their successors are elected and qualified. One of the members of said board shall be chairman and another shall be secretary. If for any cause there shall be a vacancy in said board the resident Judge of the Superior Court for the Seventh Judicial District of North Carolina shall appoint some fit and suitable person to fill such vacancy, and the person so elected shall hold until his successor shall be selected and qualified as herein provided for. The members of said board shall be discreet and intelligent taxpayers of Robeson County, and the chairman of said board shall be an expert accountant, well qualified to discharge the duties imposed upon him by this act.
Chairman and secretary.	
Vacancies.	
Qualifications for members.	
Interests and employments forbidden to members of board.	SEC. 2. It shall be unlawful for any member of said board to be jointly, singly or in any other way, either directly or indirectly, interested in any other public office, or to be agent or employee of any public officer of Robeson County, or be interested in any contract or undertaking wherein the county of Robeson or the board of education or the board of road supervisors or any other department of the county government is interested.
Oath of members of board.	SEC. 3. The members of said board, in addition to the oath to support the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, shall take before the Clerk of the Superior Court of Robeson County the following oath of office, which oath shall be signed by each of the members of said board and recorded in the book of official oaths: "I (naming the member) do solemnly swear (or affirm) that I am not interested, directly or indirectly, in any public office of the county of Robeson, and that I am not interested, directly or indirectly, in any contract or undertaking wherein the county of Robeson or any department of the government thereof is interested; that I will diligently and impartially inquire into all matters relating to receipts and disbursements of public funds of the county, and make a true report thereof, and that I will well and faithfully execute the duties of my office as a member of the board of audit and finance of the county of Robeson to the best of my knowledge and ability, without fear, reward, favor or the hope of reward: so help me, God."
Form.	
Bond of chairman.	SEC. 4. Before entering upon the discharge of his duties, the chairman of said board shall execute a good and sufficient bond, payable to the State of North Carolina, in the penal sum of five thousand dollars, conditioned upon the faithful discharge and performance of his duties as chairman of said board as herein required. Said bond shall be subject to approval by the Board of

Commissioners of Robeson County, and when approved by said board shall be filed with the register of deeds of said county, to be kept with the other official bonds.

SEC. 5. It shall be the duty of said board of audit and finance to inquire into and investigate and file a detailed and itemized account of the condition of all county finances, the accounts of all public officers of Robeson County, including the board of education and the board of road supervisors, or their successors, and to make a true report thereof, and record the same in a book to be provided and kept by the said board, to be known and designated as the record of the Board of Audit and Finance of Robeson County; and the said board shall, at least once a year, and oftener if necessary, publish a statement of the financial condition of the county, showing by itemized statement the permanent and floating debt of the county, when contracted, what for, and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the county of Robeson, showing the total amount received and the total amount disbursed for each particular purpose, which said report shall be published at the courthouse door and also in some newspaper of general circulation published in the county, once a week for at least two weeks immediately following the filing of said report. The reasonable cost of such publication shall be paid from the funds of the county of Robeson by the county treasurer upon the warrant of the chairman of the board of commissioners of said county.

Duties of board.

Cost of publication.

SEC. 6. It shall be the duty of said board of audit and finance to inquire into and investigate the condition in office of all public officers of the county of Robeson, and to report to the board of commissioners of said county and to the solicitor of the district any misappropriation of public funds, violations of law or malfeasance in office by any public officer. The said board of audit and finance shall also perform all the duties heretofore performed by the finance committee of the county under the general law.

Further duty of board.

Duties performed by finance committee.

SEC. 7. The said board of audit and finance shall have the power to send for persons and papers and to administer oaths; and any person failing to obey any summons or to produce promptly any papers or books relating to or supposed to relate to any matters appertaining to the duties of said board, or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning any matters the investigation whereof is herein made the duty of said board, shall be guilty of a misdemeanor, and upon conviction in the Superior Court shall be fined or imprisoned at the discretion of the court, and shall also be liable to a penalty of two hundred dollars for each failure or neglect, to be recovered by suit in any court of competent jurisdiction, in the name of the said board of audit and finance, for the benefit of the public-school fund of the county of Robeson.

Power to send for persons and papers and administer oaths. Failure to appear, give evidence and produce books and papers a misdemeanor.

Punishment. Penalty.

Penalty to use of school fund.

Notice to officers to make settlements.

SEC. 8. If any clerk of the Superior Court, sheriff, county treasurer, register of deeds, road commissioner or trustee, or any other public officer who may hold any county money, shall fail to account for the same, as provided by law, the board of audit and finance shall give such person ten days' previous notice, in writing, of the time and place at which said board will attend to make a settlement, and every officer receiving notice and failing to make settlement as required by this act shall forfeit the sum of five hundred dollars, to be sued for by said board, for the use and at the expense of the public-school fund of the county of Robeson, and shall also be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court: *Provided, however*, that the court may, in its discretion and for good cause, release any such officer from said forfeiture.

Forfeit on officer failing.

Misdemeanor. Punishment. Proviso: release from forfeiture in discretion of court.

Power to employ counsel.

SEC. 9. The board of audit and finance shall have power, if it deem necessary, to employ counsel to prosecute any public officer or to advise it upon matters of law: *Provided*, the total amount of attorney's fees shall not exceed the sum of one hundred dollars for any one year.

Proviso: limit of fees.

Power to prescribe form of books and manner of keeping.

SEC. 10. The board of audit and finance shall have the right from time to time to prescribe the manner of keeping all the public accounts of the county, and have the power to prescribe for each of the public officers of the county the form of books to be kept by them in the receipt and disbursement of all funds which may come into their hands under color of their office. It shall be the duty of the Board of Commissioners of Robeson County, upon the request of said board of audit and finance, to furnish to the various public officers of Robeson County the necessary books prescribed by said board of audit and finance.

County commissioners to furnish books.

Board to superintend listing and assessment of taxes.

To recommend list takers and assessors.

SEC. 11. It shall be the duty of said board of audit and finance to supervise the listing of taxes and the assessment of same by the various list takers and assessors of the county, and the said board of audit and finance shall recommend to the board of commissioners of said county, at least twenty days before the time prescribed by law for the appointment of list takers and assessors, the names of suitable and competent persons in the various townships of the county to be appointed by said board of commissioners as list takers and assessors: *Provided, however*, that the board of commissioners may, whenever they think best, disregard the recommendations of said board of audit and finance as to the naming of said list takers and assessors, and elect other persons instead.

Proviso: commissioners may disregard recommendations.

Chairman to examine tax lists.

SEC. 12. It shall be the duty of the chairman of the board of audit and finance to examine the tax lists as made out by the various list takers and assessors, after they are completed, and to see that the same are neatly, accurately and properly made out,

and to approve or disapprove the same before the said list takers and assessors shall be paid for such work by the board of commissioners of said county.

SEC. 13. It shall be the duty of the chairman of said board of audit and finance to diligently inquire into and investigate the listing of all property in said county subject to tax, and to cause all property subject to tax to be properly listed for taxation, and to that end it shall be the duty of the chairman of said board to investigate and report to the Board of Commissioners of Robeson County the names of all persons failing to list their property for taxation, together with a statement of the property so unlisted; and it shall also be the duty of the chairman of said board of audit and finance to investigate and report to the board of commissioners of said county the names of all persons subject to poll tax who have failed to give in their poll, and thereupon it shall be the duty of said board of commissioners to cause such property and polls to be placed upon the tax books as provided by the general laws of the State.

Chairman to investigate listing of property.

Reports of delinquents and unlisted property and polls.

SEC. 14. It shall be the duty of the chairman of said board of audit and finance to make out two copies of the tax list for each township as revised and settled by the tax lister, according to a form to be furnished to them by the State Auditor. Such form shall show, in different columns, the sum due by each taxpayer to the State and to the county, and also in separate columns the amount of 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, and also the amount of any special taxes levied in and for the county of Robeson as is now or may hereafter be provided by law. One of said copies shall remain in the office of the clerk of the board of commissioners; the other to 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: *Provided, however*, that in making out said tax lists the board of commissioners of said county may require the chairman of the board of audit and finance to make out one copy of said tax list according to the form prescribed by the Auditor of State, as hereinbefore set forth, the same to remain in the office of the clerk of the board of commissioners, and the other copy, in the form of a receipt book, with stubs attached, to be delivered to the sheriff or tax collector as provided by law.

Chairman to make copies of tax lists.

Forms.

Proviso: tax list in form of receipt book.

SEC. 15. It shall be the duty of the chairman of the board of audit and finance to perform and discharge all the duties heretofore imposed upon the Register of Deeds of Robeson County by virtue of the provisions of sections seventy-four, seventy-six and seventy-seven of chapter two hundred and fifty-eight, Public Laws of one thousand nine hundred and seven, commonly known as the machinery act, or which may hereafter be imposed upon said

Duties of register of deeds devolved on chairman.

- Chairman subject to pains and penalties. Register of deeds relieved from duty. register of deeds under similar sections of any machinery act enacted subsequent to said act of one thousand nine hundred and seven; and the chairman of said board of audit and finance shall be subject to the pains and penalties provided in said sections for neglect of such duty, as is provided by said sections to be imposed upon the register of deeds; and the Register of Deeds of Robeson County is hereby relieved of the duties imposed upon him under said sections of the Machinery Act of one thousand nine hundred and seven, or similar sections of subsequent machinery acts, all of said duties being hereby imposed upon the chairman of the Board of Audit and Finance of Robeson County.
- Duty of chairman in regard to tax books. Sec. 16. It shall be the duty of the chairman of the Board of Audit and Finance of Robeson County to exercise a general supervision over the tax books of the county of Robeson, with a view to preventing the double listing of property and similar errors; and in connection with the board of commissioners of said county it shall be his duty to go over said tax lists and correct any errors, omissions or mistakes which may appear therein.
- Mayors to report to chairman. Sec. 17. It shall be the duty of the mayors of each incorporated town in the county of Robeson to report to the chairman of the board of audit and finance of said county, on or before the first Monday in June in each and every year, the names of all persons in their respective towns who may be subject to the payment of Schedules B and C taxes; and it shall be the duty of the chairman of the board of audit and finance to diligently inquire what other persons in said county, residing outside the towns, may be liable for the payment of such tax, and it shall be the duty of the said chairman of said board of audit and finance to report to the Sheriff of Robeson County the names of all persons subject to such taxes: *Provided, however*, that this section shall not relieve the Sheriff of Robeson County of any duties connected with said taxes as are now or which may hereafter be imposed upon him by law.
- Further duty of chairman. Sec. 18. It shall be the duty of the mayors of the several towns within the county of Robeson and of all justices of the peace within said county to report to the chairman of the board of audit and finance at least once every three months, or oftener if said chairman may require, all fines or penalties imposed by them, together with the disposition made of the money, giving the name of the person fined and the amount thereof; and it shall be the duty of the chairman of said board of audit and finance to cause all such fines to be paid to the Treasurer of Robeson County by said mayors or justices of the peace, and to exercise a general supervision as may be necessary, to the end that all fines be properly accounted for by the collecting officers and turned over to the county treasurer.
- Proviso: sheriff not relieved of duty. Sec. 19. It shall be the duty of the chairman of said board of audit and finance to act as accountant for the county in making
- Mayors and justices to report fines.
- Chairman to cause payment of fines.
- Settlements with sheriffs.

the settlements with the sheriff and treasurer of the county; to supervise, scrutinize and examine at least once in every three calendar months all books, accounts, receipts and vouchers and all other public records of the county, to the end that it may be seen whether the various public offices are being kept in the condition provided by law; and if it shall appear to said chairman that any provision of law is being violated, then it shall be his duty to call a full meeting of said board of audit and finance and lay such violation before said board, that action may be taken to correct same, as provided by law.

Quarterly examination of books and accounts.

Meeting of board called.

SEC. 20. It shall be the duty of said board of audit and finance to audit and approve for final settlement the accounts of all public officers of the county of Robeson, and to cancel all vouchers included in said settlement by a proper cancellation stamp, to be officially adopted by said board of audit and finance. All vouchers so canceled by said board shall be listed, sealed and labeled and deposited in the vault in the register's office, in a metal case to be provided by the board of commissioners of said county, which said case shall be locked and the key remain in the possession of the chairman of the board of audit and finance.

Audit of final settlements.

Preservation of canceled vouchers.

SEC. 21. The said board of audit and finance shall have, adopt and use a common seal.

Seal of board.

SEC. 22. The Board of Commissioners of Robeson County shall furnish to said board of audit and finance a suitable room or rooms in the county courthouse, together with necessary furniture, fixtures and stationery, all to be paid from the general county fund, for the use of said board. The chairman of said board of audit and finance shall give his entire time to the discharge of the duties imposed upon him by this act and by law, and shall not during his term of office engage in any other business or occupation; and the office of said board of audit and finance shall be kept open as the offices of other public officers of said county.

Rooms, furniture, fixtures and stationery.

Chairman to give entire time to work.

SEC. 23. Any public officer or other person who shall willfully fail or neglect to perform any duty required of him by this act shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court.

Neglect of duty by officer a misdemeanor. Punishment.

SEC. 24. The members of the board of audit and finance, except the chairman, shall receive as compensation for their services the sum of five dollars per day for each day they shall be engaged in the discharge of their duties, and five cents per mile for each mile traveled in going to or from the place of meeting: *Provided*, that no compensation shall be allowed the members of said board, other than the chairman, for more than ten days in any one year: *Provided further*, that the chairman of said board shall perform all the duties of expert accountant and all other clerical duties required under the provisions of this act in making all inquiries and investigations.

Compensation of members of board.

Proviso: limit.

Proviso: clerical duties.

- Salary of chairman.** SEC. 25. The chairman of said board of audit and finance shall be paid for his services the sum of one thousand five hundred dollars per annum, payable in twelve equal monthly installments.
- Clerical assistance.** SEC. 26. In addition to the compensation to the chairman and members of said board of audit and finance hereinbefore provided for, the said board of audit and finance shall have the power to employ such clerical assistance as may in their judgment be necessary to assist the chairman of said board in making up the tax lists and performing the services in connection with the tax lists
- Limit on amount.** as herein provided, the amount to be paid for such clerical assistance to be not more than seven hundred dollars per annum. The
- Employment in discretion of board.** said board of audit and finance shall employ such clerical assistance for such period and at such times and at such rate of compensation as they in their discretion may deem advisable, provided the total amount to be paid for such clerical assistance be not more than the sum of seven hundred dollars, as hereinbefore set forth.
- Payment from general funds.** SEC. 27. The compensation of said board and the expenses and disbursements thereof, as herein provided, shall be paid out of the public funds of the county of Robeson upon order of the chairman of the board of commissioners of said county, and the treasurer of said county is hereby authorized and directed to pay the same upon presentation to him, and charge the amount thereof against the public funds of the county of Robeson.
- Board of audit and finance under former law to turn over books, documents and other property to board under this act.** SEC. 28. That the Board of Audit and Finance of Robeson County appointed under the provisions of chapter four hundred and eight, Public Laws of North Carolina, session of one thousand nine hundred and seven, shall forthwith, upon the qualification of the board of audit and finance provided for by this act, turn over to said board of audit and finance appointed hereunder all official books, records, papers or other documents under their control by virtue of their office, and all other property or effects now in their possession or under their control by virtue of the office heretofore held by them.
- Sections of revisal repealed as to Robeson county.** SEC. 29. That the provisions of sections one thousand three hundred and eighty-nine, one thousand three hundred and ninety, one thousand three hundred and ninety-one, one thousand three hundred and ninety-two and one thousand nine hundred and ninety-three of the Revisal of one thousand nine hundred and five, and chapter four hundred and eighty-eight of the Public Laws of North Carolina, session of one thousand nine hundred and seven, in so far as the same apply to the county of Robeson, be and they are hereby repealed.
- Board named.** SEC. 30. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, in so far as they may apply to the county of Robeson.
- Chairman.** SEC. 31. That Abner Nash, J. N. Buie and A. J. Floyd be and they are hereby elected and appointed members of the Board of Audit and Finance of Robeson County, and Abner Nash shall be

chairman of said board and J. N. Buie shall be secretary thereof; Secretary, and the members of said board and the officers thereof shall hold Term of office, office for a term of two years and until their successors shall be elected and qualified, as provided for in this act. *

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 471.

AN ACT TO PROTECT DEER IN THE COUNTIES OF HENDERSON, TRANSYLVANIA, HAYWOOD AND JACKSON.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to chase with dogs, hunt Chasing, hunting or kill deer within the counties of Henderson, Transylvania, Hay- or killing deer forbidden. wood and Jackson, except that bucks with horns large enough to be distinctly seen in the woods may be hunted or killed, but not Exception as to bucks. chased with dogs, between the first day of November and the fifteenth day of December of each year: *Provided*, that all persons owning private parks, having suitable fences around same, and who raise deer for the purpose of propagation and have domesticated deer therein, may kill any of their said deer at their option at any time of the year. *Proviso: private parks.*

SEC. 2. That no person shall kill in one year more than two Limit on number. bucks, and shall not hunt at night with light. Fire hunting.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof Violation of act a misdemeanor. shall be fined twenty-five dollars or imprisoned in the discretion Punishment. of the court for the first offense, and upon conviction of the second offense shall be fined fifty dollars or imprisoned, or both, in the discretion of the court. First offense. Second offense.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 472.

AN ACT TO VALIDATE BOND ELECTION IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas the commissioners of Ashe County, Subscription to under and by virtue of section two thousand five hundred and railroad company. fifty-eight of the Revisal of one thousand nine hundred and five,

Subscription
endorsed by
voters.

Doubts as to
validity of elec-
tion.

Election and sub-
scription legalized.

subscribed one hundred thousand dollars (\$100,000) to the capital stock of the Virginia and Southern Railway Company upon certain conditions and stipulations, which are fully set out in the said subscription; and whereas a general election was held in said county during the year one thousand nine hundred and eight, under and by virtue of sections two thousand five hundred and fifty-nine and two thousand five hundred and sixty; and whereas said subscription was duly ratified by a majority of the qualified voters of Ashe County; and whereas there is some doubt entertained as to the validity and regulation of said election: now, therefore, said election and subscription is hereby legalized, validated and made regular, and all defects, defaults and irregularities are hereby cured and said election is hereby ratified.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 473.

AN ACT TO AMEND SECTION 5349 OF THE REVISAL OF 1905 AND PROVIDE FOR THE CLASSIFICATION AND PUBLICATION OF THE ACTS OF THE GENERAL ASSEMBLY INTO PUBLIC, PUBLIC-LOCAL AND PRIVATE LAWS.

The General Assembly of North Carolina do enact:

Classes of laws.

Classes marked.

Public laws and
resolutions.
Public-local and
private laws.

Publication and
distribution.

SECTION 1. That section five thousand three hundred and forty-nine of the Revisal of one thousand nine hundred and five be repealed, and that the following be substituted: "The Secretary of State shall divide the laws into three classes—public, public-local and private laws; and it shall be his duty, at the time of making the marginal notes, to mark on the upper right-hand corner of each act the words 'public,' or 'public-local,' or 'private,' and acts thus marked shall be kept separate by the State Printer. The public laws and resolutions shall be published in one volume to themselves. The public-local and private laws shall be kept separate and indexed separately, but may in the discretion of the Secretary of State be bound together in one or more volume or volumes, which volume or volumes shall be published and distributed as are now the private laws."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 474.

AN ACT TO AMEND CHAPTER 948 OF THE LAWS OF 1907.
RELATIVE TO FISH.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter nine hundred and forty-eight of the Laws of one thousand nine hundred and seven be amended by inserting at the end of section four the following: "*Provided*, Close season. that this chapter shall only apply to that part of the year beginning January fifteenth and ending May fifteenth."

SEC. 2. That it shall be unlawful for any person to buy, sell, Size of fish. offer for sale or to have in his possession any bluefish, trout or drum under eight inches in length, or any mullet under six inches in length, or any croakers, spots and hogfish under five inches in length, at any time during the year.

SEC. 3. That any person or persons violating any of the pro- Misdemeanor. visions of this act shall be guilty of a misdemeanor, and upon Punishment. conviction be fined not less than ten dollars nor more than fifty dollars.

SEC. 4. That this act shall only apply to the counties of Carteret, Application of Pamlico, Beaufort, Hyde and Dare. act.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 475.

AN ACT RELATIVE TO HUNTING IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three. chapter eight hundred and ninety- Close season. five. Public Laws of one thousand nine hundred and seven, be and the same is hereby amended to read, "April first to October first of any year."

SEC. 2. That it shall be lawful to hunt within the boundaries Open season. of Carteret County the following birds, known in said county as "blue heron," "stake driver," "quawk," "sage hen" and "shy poke," from August thirty-first to May first following of each year.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 476.

AN ACT TO AMEND SECTION 2785 OF THE REVISAL OF 1905, RELATING TO THE PAY OF COUNTY COMMISSIONERS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Three dollars and mileage.

SECTION 1. That section two thousand seven hundred and eighty-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting in line six of said section, after the word "Currituck" and before the word "and," the word "Onslow."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 477.

AN ACT TO REGULATE THE SALE OF SOFT DRINKS IN MOREHEAD CITY, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Sale of beverages requiring national tax forbidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale within the corporate limits of Morehead City, Carteret County, any "near beer" or other drinks as a beverage, the sale of which requires a United States license or tax.

Misdemeanor.
Punishment.

SEC. 2. That any person, firm or corporation violating 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.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 478.

AN ACT TO PROTECT FISH IN BLACK RIVER AND ITS TRIBUTARIES, IN THE COUNTIES OF PENDER AND BLADEN.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for any person or persons to catch or take fish, either by rod or hook, seines, nets, striking, muddying the pools or lagoons, feeling by hand, gigging or in any

other method or in any manner whatsoever, during the months of May, June, July and August, excepting Tuesday and Friday Open days, of each week in each year, in the waters of Black River and its tributaries, in the counties of Pender and Bladen.

SEC. 2. Any person or persons violating the provisions of this Misdemeanor, act shall be guilty of a misdemeanor, and upon conviction fined Punishment, 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.

One-half fine to
informer.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 479.

AN ACT TO DISCONTINUE A SECTION OF PUBLIC ROAD IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the public road in Rocky Spring Township, Montgomery County, leading from Neill Ritter's place, on the South Carolina Road, to Killis' mill, Drowning Creek, be and the same is hereby discontinued.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 480.

AN ACT SUPPLEMENTAL TO "AN ACT TO APPOINT A COT- TON WEIGHER FOR RED SPRINGS TOWNSHIP AND TO PROVIDE FOR HIS ELECTION."

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to appoint a cotton weigher for Red Springs Township and to provide for his election," ratified on the twenty-second day of February, one thousand nine hundred and nine, be and the same is hereby amended by striking out the words "ninety days," in line ten of section two of said act, and inserting in lieu thereof the words "four months."

Qualifications for
voters.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 481.

AN ACT TO CONFIRM PATENT No. 99, ISSUED APRIL 13, 1780, TO JOHN GUERRARD.

The General Assembly of North Carolina do enact:

Patent validated
and confirmed.

SECTION 1. That a patent issued by the State of North Carolina, known as "patent number ninety-nine," on the thirteenth of April, one thousand seven hundred and eighty, to John Guerrard, of New Hanover County, and recorded in the said county, in book "L," at page six hundred and forty-four, be and the same is hereby validated and confirmed in all respects.

Prior entry or
grant.

SEC. 2. That nothing herein shall be construed to affect any prior entry or grant thereon obtained by any other person.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 482.

AN ACT TO ALTER THE PUBLIC ROAD IN WILKES COUNTY KNOWN AS THE PHILLIPS' GAP ROAD.

The General Assembly of North Carolina do enact:

Road to be
changed.

SECTION 1. That the public road now in use in Wilkes County leading from North Wilkesboro to Phillips' Gap be changed or altered between the ford of Lewis' Ford, nearest G. W. Welshe's to W. S. Hall's; and in order to effect said change C. R. Triplett, J. M. Parsons and L. M. McGlammery are hereby appointed commissioners to lay off said change between said points on said road.

Commissioners to
lay off change.

Time for com-
missioners to act.

SEC. 2. That said commissioners shall, within two months from the ratification of this act, perform their duties by laying off said change, and shall designate the place of said change, as far as possible, by stakes and blazes; the grade, width and condition of said road to be as the law now requires in said county, and not steeper than that required by the present road law of said county.

Road commis-
sioners to report
action.

Overseers named.

SEC. 3. That said road commissioners shall make a report of their action, within thirty days from the date thereof, to the Board of Commissioners of Wilkes County, and J. T. Ashley and J. R. Phillips are hereby appointed overseers of said road, whose duty it shall be to summon the hands allotted herein and cause said change of road to be constructed under their supervision.

SEC. 4. That all persons liable to road duty and living within three miles of the said change shall be liable to work on and construct said road; and it shall be the duty of said Board of Commissioners of Wilkes County to order and direct them so to work on said road under the overseers appointed, and they shall be liable to all fines and forfeitures for failure or neglect to so work in the construction of said road: *Provided*, that no person shall be required to work more than five days on said road within one year.

Road hands
assigned.

Proviso: limit of
road duty.

SEC. 5. When the road is completed the overseer or overseers shall report the same to the board of commissioners of said county, and said road shall be kept up as other public roads of said county.

Report of com-
pletion of road.

SEC. 6. That the county commissioners of said county shall pay all charges for blasting and material used in the construction of said road.

Charges for
blasting and
material.

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

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 483.

AN ACT FOR THE RELIEF OF D. W. BULLOCK, EX-REGISTER OF DEEDS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road supervisors of the county of Robeson be and they are hereby authorized, empowered and directed to pay to D. W. Bullock, ex-Register of Deeds of Robeson County, the sum of two cents per name for his services in computing, calculating and listing the special road tax of the county of Robeson for the year one thousand nine hundred and seven, the said sum of two cents to be paid to said Bullock for each and every individual against whom road taxes were computed, calculated and listed for said year one thousand nine hundred and seven.

Pay for listing
taxes.

SEC. 2. That in order to carry out the provisions of this act it shall be the duty of said Board of Road Supervisors of Robeson County forthwith to ascertain the number of persons within the county of Robeson against whom road tax was computed, calculated and listed for the year one thousand nine hundred and seven, and to compute the amount due said D. W. Bullock, as aforesaid, at two cents per name, and to draw their warrant for the amount so ascertained in favor of said D. W. Bullock upon

Computation of
amount.

the Treasurer of Robeson County; and it shall be the duty of the said Treasurer of Robeson County to pay the said warrant out of the general road funds now in his hands or which may come into his hands hereafter.

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

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 484.

AN ACT TO CONFER CERTAIN POWERS ON THE DIRECTORS OF STATE INSTITUTIONS IN REGARD TO LAND.

The General Assembly of North Carolina do enact:

Grants of
privileges and
easements
authorized.

SECTION 1. That the directors of the various State institutions are authorized and empowered to grant privileges and easements to individuals or companies to run telegraph, telephone or power transmission lines over land belonging to said institutions, when in their judgment it is right and proper to do so, and subject to such terms and conditions as they may impose, and subject in each case to the approval of the Attorney-General of the State.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 485.

AN ACT REGULATING THE PAY OF CERTAIN WITNESSES IN CRIMINAL ACTIONS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Witness fees of
salaried officers
or employees not
taxed against
county.

SECTION 1. That whenever the costs, or any part thereof, of the trial of a criminal action tried in the county of Durham shall be taxed against the county of Durham, the witness fees of a salaried officer or salaried employee of the county of Durham or of the city of Durham who shall be a witness in said action shall not be taxed against the county of Durham in the bill of costs.

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

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 486.

AN ACT TO INCREASE THE COMPENSATION OF THE STE-
NOGRAPHERS OF THE SUPREME COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of the General Assembly of one thou- Salary increased,
sand nine hundred and seven, chapter eight hundred and forty-
one, ratified March ninth, one thousand nine hundred and seven,
be amended by striking out the words "three hundred" where they
occur in said act and inserting the words "four hundred" in lieu
thereof.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 4th day of March, A. D. 1909.

CHAPTER 487.

AN ACT RELATING TO THE ERECTION OF A MONUMENT
TO THE MEMORY OF CONFEDERATE SOLDIERS IN HEN-
DERSON, NORTH CAROLINA.

Whereas the Vance County Chapter of the United Daughters of Preamble.
the Confederacy desires, by the erection of a suitable monument
in the town of Henderson, Vance County, to commemorate the
bravery and heroism of the Confederate soldiers who took part
in the great Civil War from one thousand eight hundred and
sixty to one thousand eight hundred and sixty-five, and especially
those who were enlisted from the territory now comprising the
county of Vance, many of whom lost their lives, and many others
of whom, having survived that great struggle, have since been
called to their final reward or are now nearing the end of life's
journey; and whereas the Daughters of the Confederacy are now
raising funds by private subscription for that purpose; and
whereas the town of Henderson and the county of Vance desire to
encourage and give aid to the Daughters of the Confederacy in
this noble and laudable undertaking: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of commissioners of the Contribution by
town of Henderson, in the county of Vance, are hereby fully au- town authorized.
thorized and empowered to appropriate and pay out of the public
funds in the town treasury a sum equal to that which may be
raised by the Daughters of the Confederacy by private subscription,
donation or otherwise, to be used in the erection of said monument,
not to exceed, however, the sum of one thousand dollars; and the
board of commissioners for the county of Vance is likewise au- Limit of amount.
thorized and empowered to appropriate and pay out of the public Appropriation by
county authorized.

Limit of amount.
Payment of
contributions.

Location of
monument.

funds in the treasury of the county a sum equal to that which may be raised by the Daughters of the Confederacy by private subscription, donation or otherwise, to be used in the erection of said monument, not exceeding, however, the sum of one thousand dollars; the amounts appropriated, as above provided for, to be paid to the treasurer of the Daughters of the Confederacy by the treasurers of the town of Henderson and county of Vance upon the orders or warrants of said town or county commissioners.

SEC. 2. The said mayor and board of commissioners of the town of Henderson or the board of commissioners for the county of Vance may in their discretion give to the Daughters of the Confederacy the right and permission to erect said monument on any of the streets or other property belonging to said town or county.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 488.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS WITHIN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of, for gain, any intoxicating liquors within four miles of Oak Grove Church, Liberty Church and New Hope Church, all in Randolph County, North Carolina.

Misdemeanor.
Punishment.

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

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 489.

AN ACT TO AMEND CHAPTER 436 OF THE PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Punishment for
cock or dog
fighting and bull
baiting.

SECTION 1. That section three (3) of chapter four hundred and thirty-six (436) of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out the

last two lines of said section and inserting in lieu thereof the words "fined not more than fifty dollars or imprisoned not more than thirty days."

SEC. 2. That section four (4) of said chapter be and the same is hereby amended by striking out the words "fined or imprisoned in the discretion of the court," in lines five and six, and inserting in lieu thereof the words "fined not more than fifty dollars or imprisoned not more than thirty days."

Punishment on
persons attending.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 490.

AN ACT TO AMEND SECTION 1314 AND TO REPEAL SECTION 1315 OF THE REVISAL OF 1905, IN REGARD TO FILLING VACANCIES IN THE BOARD OF COMMISSIONERS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand three hundred and fourteen of the Revisal of one thousand nine hundred and five be amended by striking out all of said section after the word "term," in line four.

Exception
stricken out.

SEC. 2. That section one thousand three hundred and fifteen of the Revisal of one thousand nine hundred and five be repealed.

Special section
repealed.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 491.

AN ACT TO REGULATE THE COMPENSATION OF THE COUNTY TREASURER OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners and the Board of Education of Currituck County may, in their discretion and in addition to the commission allowed by law, make such further allowance for attendance before said boards in the settlement of his accounts as said boards may think just and reasonable.

Allowance for
attendance in
settlement of
accounts.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 492.

AN ACT AUTHORIZING THE COUNTY OF RICHMOND TO
CONTRIBUTE TO A FUND FOR THE ERECTION OF A
CONFEDERATE MONUMENT IN RICHMOND COUNTY.*The General Assembly of North Carolina do enact:*Payment
authorized.

Amount.

Care and protec-
tion of memorial.

SECTION 1. That the Board of County Commissioners of Richmond County are hereby authorized to pay the Confederate Veterans' Association of Richmond County the sum of five hundred dollars (\$500) out of any funds in hand to aid in the completion of the monument now in contemplation by said association in memory of the bravery and devotion of soldiers from that county in the Civil War.

SEC. 2. That the said memorial, when completed, shall be under the care and protection of the board of commissioners of said county, and full power in respect thereto is hereby vested in said board.

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

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 493.

AN ACT TO PROVIDE FOR WORKING THE ROADS OF
RUTHERFORD COUNTY.*The General Assembly of North Carolina do enact:*Application of
general law.Public roads and
ferries defined.Township road
supervisors.Boards of super-
visors incor-
porated.Time for appoint-
ment of super-
visors.

SECTION 1. That chapter sixty-five of the Revisal of one thousand nine hundred and five of North Carolina shall apply to Rutherford County, unless otherwise provided in this act.

SEC. 2. 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 Board of Commissioners of Rutherford County shall appoint three competent men in each township (except High Shoals, in which township the commissioners shall appoint twelve men), who shall have the supervision and control of the public roads in their respective townships. They shall, with respect to their work, constitute and be styled the board of supervisors of public roads of each township, and under that name, for the purpose aforesaid, they are hereby incorporated the board of supervisors of public roads. The commissioners of Rutherford County shall appoint the above-named supervisors at their regular meeting in April, one thousand nine hundred and nine, and thereafter at the regular meeting in

January and annually thereafter, said supervisors to serve without pay. The board of supervisors of each township shall meet on the first Saturday after the first Monday in April; one thousand nine hundred and nine, and thereafter in August and February, as provided by chapter sixty-five of the Revisal of one thousand nine hundred and five. At their meeting in April, one thousand nine hundred and nine, they shall proceed as provided by chapter sixty-five, section two thousand seven hundred and fifteen, of the Revisal of one thousand nine hundred and five. For High Shoals Township, in addition to the nine supervisors for Cliffside, Henrietta and Caroleen, the county commissioners shall appoint three competent men, who shall be known and styled the Board of Supervisors of High Shoals Township, and they shall have charge of all roads outside of the limits of Cliffside, Henrietta and Caroleen, in High Shoals Township. The board of commissioners shall appoint three competent men each at Cliffside, Henrietta and Caroleen, who shall be styled and shall constitute the board of supervisors for Cliffside, Henrietta and Caroleen, and they shall have charge of the roads of these respective places.

SEC. 3. That all able-bodied male persons of Rutherford County between the ages of eighteen and forty-five shall work on the public roads of said county for four days in each and every year, at such time and place and in such manner as may be designated by the township supervisors or overseer: *Provided*, that any person may have the right to furnish an able-bodied man, who shall be acceptable to the road supervisors or overseer, to work in his place: *Provided*, that the said board of supervisors or overseer in each township shall give to each person who is subject to road duty at least two days' notice, by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided further*, that in case of washout or other unexpected obstruction to travel, the two days' notice shall not be required or necessary; and any person liable to road duty in the town in which such obstruction to travel may occur shall, upon being properly summoned by said supervisor or overseer, respond to such summons with reasonable promptness: *Provided further*, that, for the purpose of this act, Cliffside shall consist of the territory within one-half mile in each direction from the company store of the Cliffside Cotton Mills; for the purpose of this act, Henrietta shall consist of the territory within three-fourths mile in each direction from the company store of the Henrietta Cotton Mill; Caroleen shall consist of the territory within three-fourths mile in each direction from the company store of the Henrietta Cotton Mill; and any citizen or resident in Cliffside, Henrietta

Supervisors to serve without pay. Meetings of supervisors.

Proceedings.

Additional supervisors for High Shoals township.

Supervisors at Cliffside, Henrietta and Caroleen.

Persons subject to road duty.

Road duty.

Proviso: substitutes.

Proviso: warning.

Proviso: emergency work.

Proviso: territory defined. Of Cliffside.

Of Henrietta.

Of Caroleen.

Road tax in towns in lieu of road duty.

or Caroleen subject to road duty under the provisions of this act shall be excused from any and all liability on account of such duty, except the property tax heretofore imposed, on the payment to the general road fund of the county annually of the sum	
Apportionment of road tax.	of two dollars (\$2) each; and of this sum so paid in commutation for physical road duty not less than one-half shall be apportioned by the county commissioners or others exercising general control over the question to the territory, respectively,
Collection of road tax.	of Cliffside, Henrietta and Caroleen, as above described. The board of supervisors for Cliffside, Henrietta and Caroleen shall appoint some competent man at each one of the above-named places, whose duty it shall be to collect the above-mentioned sum, and he is hereby authorized to collect the same and to turn the same over to the board of supervisors of the respective places when collected, who shall pay over to the Treasurer of Rutherford County, to be credited by him to the general road fund of Rutherford County. For such service the collector shall be paid a commission of not exceeding five per centum (5%), this road tax to be due and payable on the first day of June and December in each and every year.
Commission of collector.	
Bonds of collectors.	SEC. 4. The collectors for Cliffside, Henrietta and Caroleen shall each give bond in the sum of five hundred dollars (\$500), said bond to be filed with and approved by the board of supervisors of Cliffside, Henrietta and Caroleen, respectively. Nothing in this act is construed to mean that the above-named collectors are authorized to collect any money other than that which is to be paid in commutation of labor.
Failure to discharge road duty a misdemeanor.	SEC. 5. That any person who shall, after being duly notified as provided in section three of this act, fail to appear and work as required to do, or any person living in Cliffside, Henrietta or Caroleen failing to pay a sum of two dollars, as above provided (provided that any person may send an able-bodied man to work in his place if such person is acceptable to the overseer or supervisors), or any person who shall appear, as notified, and fail or refuse to perform good and reasonable labor, as required by said supervisors or overseer, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three nor more than ten dollars or imprisoned in the county jail for not less than ten nor more than twenty days.
Punishment.	
Allotment of road work.	SEC. 6. That the overseer of any road in said county may, with the consent of the board of supervisors of the township, allot certain sections of his said road to any person subject to road duty on said road, to be kept up in lieu of the annual labor to be performed by said person: <i>Provided, however</i> , that the same shall be worked under the supervision of said overseer and may be let upon such terms and conditions as to said overseer and board of supervisors may seem best.
Proviso: work under supervision of overseer.	

SEC. 7. That all money now in the hands of the Treasurer of General road fund, Rutherford County, or which may come into his hands under or by virtue of chapter six hundred and seventy-eight, Laws of one thousand nine hundred and seven, shall be known as the general road fund of Rutherford County, and all money hereafter raised by the road-tax law which was passed by the Legislature of one thousand nine hundred and nine, and which was ratified February twenty-six, one thousand nine hundred and nine, shall also be known as the general road fund of Rutherford County, and the same shall be apportioned and disbursed by the county commissioners to the different townships of Rutherford County according to the number of miles of road in each township which in the opinion of the township supervisors and board of county commissioners needs help from this fund. The county commissioners, before disbursing this fund to the several townships of the county, may expend as much as twenty-five per cent of said general road fund for the purchase of such machinery as they may deem for the best interest of the county, the balance of the fund to be divided as hereinbefore mentioned. The county treasurer is hereby directed to place the amount apportioned to each township on his books as a separate account, to be known as the general road fund of Township, and he shall monthly credit to each township its pro rata part of the same as collected. The township board of supervisors shall expend the money so allotted to them for the best interests of the roads of their respective townships: *Provided*, that no money shall be spent out of the general road fund on roads except in reducing the grades and in filling and draining mudholes on said roads, said grade not to exceed six per cent, except for short sections in the mountain sections of the county: *Provided*, that the supervisors shall have the authority to contract with any person or persons to fill in any mudholes with rock as they may deem necessary. The supervisors are also authorized to contract with any person or persons to grade and construct any roads in their respective townships, and the board of supervisors are hereby authorized to draw their warrants on the county treasurer for such work: *Provided*, that no warrant shall be drawn in excess of the amount apportioned to that township by the county commissioners.

SEC. 8. That this act shall be considered as supplemental to the act entitled "An act to provide for the levying of taxes for the working of the roads of Rutherford County," which act was passed and ratified by the General Assembly on February twenty-six, one thousand nine hundred and nine.

SEC. 9. It shall be the duty of the county commissioners, at their meeting in May, one thousand nine hundred and nine, to apportion as much of the general road fund of Rutherford County as may now be on hand among the townships as provided for in this act:

Apportionment.

Purchase of machinery.

Separate accounts.

Expenditure of road funds.

Proviso: special use.

Grade of roads.

Proviso: authority to contract for road work.

Act supplemental to general act.

Time for apportionment of road fund.

and at the meeting of the board in August of each and every year they shall apportion the amount levied for that year to the various townships of the county in the provisions of this act.

Magistrates to sit with supervisors.

SEC. 10. The magistrates in the different townships may sit with the board of supervisors in each township at their regular meetings and advise with them as to the proper disposition of the general road fund allotted to said township.

Purchase of machinery by townships.

SEC. 11. The township board of supervisors shall have authority to purchase out of the general road fund apportioned to the said township any tools or machinery which in their judgment is necessary and for the best interest of the said township.

Work before act effective.

SEC. 12. That until the machinery of this act can be put into effect the Board of Commissioners of Rutherford County are hereby instructed and authorized to have the necessary repairs made on any road in the county which in their opinion is necessary and demanded for the benefit of the traveling public, and the same shall be paid for out of the general road fund of Rutherford County on warrant signed by the chairman and clerk of said board; the provisions of this section to expire June first, one thousand nine hundred and nine, or sooner if the township board of supervisors organize before that date.

Section limited.

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.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 494.

AN ACT TO REGULATE PRIMARY ELECTIONS IN HALIFAX AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

Candidates to be nominated by primary.

SECTION 1. That every political party, organization or association in any county whose legislative candidates at the preceding election received as much as one-third of the total vote cast in the county shall nominate its candidates for the General Assembly, county and township officers by a primary election held as hereinafter provided.

Time of holding.

SEC. 2. The time of holding such primary election shall be fixed by the county executive committee or other governing body of said political party, organization or association, of which there shall be not less than fifteen days' notice.

Notice.

Notification to county board of elections.

SEC. 3. The said executive committee or other governing body shall promptly notify the county board of elections of said county of the time fixed for said primary election, and it shall thereupon

be the duty of said board of elections to appoint three managers of said primary for each election precinct in said county to hold said election, who, before entering upon the duties of their office, shall each take and subscribe an oath that he will faithfully, impartially and honestly conduct the same according to law. Should one or more of the managers appointed to hold such election fail to appear on the day of the election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take said oath before a notary public, justice of the peace or other officer authorized to administer oaths; but if no such officer can be conveniently found, the managers may administer the oath to each other.

Board of elections to appoint managers.

Managers to be sworn.

Vacancies.

SEC. 4. The county board of elections shall provide at each election precinct three ballot boxes, one for the legislative candidates, one for county candidates and one for township candidates.

Ballot boxes.

Before any ballots are received at such election, and immediately before opening the polls, the managers shall open each ballot box to be used in such election and exhibit the same publicly, to show that there are no ballots in such box. They shall then close, lock or seal such boxes, except the opening to receive the ballots, and shall not again open the same until the close of the election. They shall keep a poll list, with the name of each voter voting in said election, and shall, before receiving the ballots of any voter, require the said voter to state that he is a *bona fide* member of the political party holding said primary, duly qualified to vote therein, and has not voted before in said election, and to pledge that he will in good faith support and vote for the candidates nominated in said primary at the ensuing election, unless prevented by sickness or other unavoidable cause from attending the same.

Boxes to be opened and exhibited.

Poll lists.

Statement to be made by voter.

Pledge.

SEC. 5. At the close of the election the managers shall proceed publicly to count the votes and declare the result. They shall certify the result of such election and transmit such certificate, with the poll lists and all other papers relating to such election, on the second day after the election, to the county seat, by one of their members, whom they shall appoint a member of the county returning board.

Count of vote and declaration of result.

Returns.

SEC. 6. That the respective managers appointed to bring the returns as aforesaid from each precinct shall constitute the county returning board, who shall meet at the county seat on the second day after said primary election, at noon, and after being duly sworn shall open and canvass the returns from each precinct and declare the result in the county. The returns and poll books shall then be deposited with the clerk of the Superior Court, who shall keep them for six months.

County returning board.

Canvass of returns.

Deposit of returns and poll books.

SEC. 7. The candidate who receives a majority of the votes cast for the office for which he ran shall be the nominee of said party.

Candidate receiving majority of votes declared the nominee.

Proviso: when no candidate receives majority.	for such office: <i>Provided</i> , that whenever no candidate shall receive a majority of the votes cast for any office, then the one who receives the highest vote for said office shall be the nominee, unless the one who received the next highest vote shall demand, in writing, duly delivered to the chairman of the county board of elections within five days after the meeting of the county returning board, that a second primary be held. In case such demand shall be made within said time, there shall be a second primary held for such office within ten days from the delivery of said demand under the same rules and regulations as the first, but no candidates shall be entitled to participate therein except the two who received the highest vote in the first primary.
Second primary within ten days.	
Qualifications for voters.	SEC. 8. That in such primary election only those shall be entitled to vote who are then or will become duly qualified voters in the election for which candidates are then being nominated and who are <i>bona fide</i> members of the party holding such primary.
Challenge for party affiliation.	If the party affiliation of any voter is challenged he must show by his oath, or otherwise, to the satisfaction of the managers, before being allowed to vote, that he voted for the candidates of the party holding said primary in the next preceding general election, unless he was prevented from voting therein by nonage, sickness, absence from the county or other unavoidable cause, and must make oath that he will in good faith abide the result of the then pending primary and that he will vote for the candidates nominated therein at the ensuing election, unless prevented from voting by some unavoidable cause.
Oath to abide result.	
Hours of election.	SEC. 9. That the polls shall be opened on the day of the primary from seven o'clock A. M. to six o'clock P. M., and no longer. A space of not more than fifty feet in every direction from the polls or room in which such primary election is held may be kept clear of all persons except the election officers and challengers, which space may, if the executive committee of the party holding said primary so direct in any precinct, be railed or roped off with a narrow passage leading to and from the polls, and each elector may be required to approach the polls from one direction through the said passage, and, after his ballot is deposited in the box, with as little delay as possible, to depart by the passage leading from the polls. Only one voter shall enter said passage leading to the polls at one time. After the voter has entered the passage, no one except the election officers or the challengers shall be permitted to speak to or make any signs to him until his ballot has been deposited and he has passed out of said enclosure. The said railed or roped space shall at all times during the hours of balloting be kept open and clear of all persons except the officers aforesaid. The executive committee of the county may appoint for each polling place one or more discreet persons as challengers, and in the event that the said executive committee fails to appoint such challenger or challengers the man-
Polling booths.	
Communication with voter forbidden.	
Space to be kept clear.	
Challengers.	

agers of the primary election at such polling place may appoint them, and if the vote of any elector shall be challenged, then the election officers shall permit within the enclosure such witnesses as either challenger or elector may desire, to be admitted one at a time.

Witnesses allowed within enclosure.

SEC. 10. That the several candidates for legislative and county offices shall, at least five days prior to any primary election, file with the clerk of the Superior Court of the county a notice, in writing, that he will be a candidate in such primary election and the office for which he will be a candidate, which notice shall be signed by him, and the said clerk shall endorse on the back of each of said notices the date filed in his office, and shall preserve the same, subject to the inspection of any elector. The said clerk shall have a complete list of all of said candidates printed, with instructions thereon as to how many persons each voter may vote for for each office, and distribute the same at each precinct on the day of said election, for the information of the voters, and the managers must post at least five of said lists in conspicuous places at the precinct.

Notice of candidacy.

Endorsement of notice.

Lists of candidates and instructions to be printed.

Lists to be posted.

SEC. 11. To provide funds for holding such primary elections and paying the expenses thereof, each candidate for the Legislature and for county offices shall, at least five days before such primary, pay to the chairman of the party holding such primary such sums as may be assessed by the executive committee, not exceeding the sum of twenty dollars, and each township candidate two dollars, and, failing to pay the same, shall not be entitled to participate in said primary: *Provided*, if there is any surplus after paying all the expenses of said primary it shall be prorated among the candidates.

Assessments on candidates.

Proviso: surplus prorated to candidates.

SEC. 12. In case there shall be any offices for which no candidate seeks the nomination before said primary, and for which no nomination is made by it, the nominees therefor may be named by the county executive committee of the party holding said primary or in such manner as said committee may direct.

Nominees if no candidate before primary.

SEC. 13. The executive committee of any political party holding a primary election hereunder may adopt such further rules for the conduct of the same as it may deem proper, not inconsistent with the provisions of this act.

Further rules.

SEC. 14. Any manager who shall be guilty of unlawfully violating any of the duties devolving upon such position herein shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars or imprisoned not to exceed six months; and any manager who shall be guilty of fraud or corruption in the management of such election shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars or imprisoned not to exceed a term of twelve months, or both, in the discretion of the court.

Manager violating duties guilty of misdemeanor. Punishment.

Fraud or corruption a misdemeanor. Punishment.

False swearing
perjury.

SEC. 15. Any person who shall swear falsely in taking the prescribed oath or shall personate another person or take the oath in his name, in order to vote, shall be guilty of perjury.

Voting or
attempting to
vote in primaries
of different
parties fraudulent.
Punishment.

SEC. 16. If any voter, having participated in one party primary election, shall vote or attempt to vote in a different party primary election held for a similar purpose during the same political campaign, he shall be guilty of fraudulent voting, and upon conviction shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter, having voted once in such primary election, shall vote or attempt to vote a second time in the same election at the same or a different poll, he shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars or imprisoned not less than thirty days, in the discretion of the court. Any person who shall vote in said election, not being legally qualified and entitled to do so, shall be guilty of a misdemeanor.

Repeating a mis-
demeanor.

Punishment.

Voting without
being qualified a
misdemeanor.

Bribing voter or
acceptance of
bribe a misde-
meanor.

SEC. 17. If any person shall attempt to influence the vote of another by the use of intoxicating liquors, or if bribe be offered to bribe any voter by the promise of anything as a reward to be delivered or as a service to be performed prior to, at the time of or subsequent to such primary election, and any person shall accept any bribe or other thing of value for his vote or influence in such primary election, he shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars or imprisoned not less than thirty days, in the discretion of the court.

Punishment.

Application of act.

SEC. 18. That this act shall apply to the counties of Halifax and Nash only.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 495.

AN ACT FOR THE RELIEF OF L. M. WALTERS AND W. L. HENDRIX AND J. W. CALLOWAY, OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Lands to be
included in Ashe
county.

SECTION 1. That the line between Ashe and Wilkes counties shall be changed as follows: Beginning at or near the falls of Fall Creek, in Wilkes County, and runs so as to include the lands now owned by W. L. Hendrix, L. M. Walters and Mrs. A. D. Cowles, and also the lands of J. W. Calloway which are contiguous to the land he now owns that lie in Ashe County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 496.

AN ACT TO CREATE A HISTORICAL ASSOCIATION FOR
THE PERPETUATION OF THE MEMORY OF THE LIFE OF
DANIEL BOONE.

Whereas it is a well-known historical fact that the noted pioneer, Preamble. Daniel Boone, lived for many years in the State of North Carolina, and that his infancy and young manhood were spent in what was at the time Rowan County and is at present the county of Davidson; and whereas it is desirable that his memory should be Preamble. perpetuated among us:

The General Assembly of North Carolina do enact:

SECTION 1. That the Daniel Boone Association be and is hereby Corporation. created and made a corporation, with power to purchase and hold Corporate powers. lands and other property, to erect suitable memorials, to solicit and collect funds, together with historical materials, and to do all and such things as are necessary to perpetuate the memory of the life of Daniel Boone in North Carolina.

SEC. 2. That the powers heretofore enumerated be and are Trustees. hereby vested in a board of trustees, viz., Phillip Sowers, G. F. Cochran, J. R. McCrary, John S. Henderson, A. H. Boyden and F. A. Olds and associates, to the number of five additional trustees, to be selected by a majority of themselves. Said board shall have Vacancies. the power from time to time to fill vacancies by a vote of a majority of their number, and this power shall continue in and be exercised by their successors, so as to make said board a self-perpetuating one.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 497.

AN ACT TO CREATE A RECORDER'S COURT FOR THE
TOWN OF AURORA AND RICHLAND TOWNSHIP AND
DEFINE JURISDICTION AND TERRITORY THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That a recorder's court is hereby established and Court established. created, to be known as the "Recorder's Court for the District of District defined. Aurora," which shall comprise all of Richland Township, in Beaufort County.

SEC. 2. That the said court shall be a court of record and shall Court of record. be presided over by an elector of Beaufort County residing in

Recorder.	Richland Township, who shall be a man of good moral character and who shall be known as the "Recorder of the Aurora District."
Term of recorder.	SEC. 3. That the recorder hereinafter provided for in this act shall hold office until the next general election, when his successor shall be elected by the qualified voters of Richland Township, in the same manner and at the same time county and township officers are elected.
Election of successor.	
County commissioners to elect recorder.	SEC. 4. That at the first meeting of the Board of County Commissioners of Beaufort County following the ratification of this act it shall be the duty of the said board to elect a recorder, who shall possess the qualifications required by section two of this act, and the said recorder shall at once take and subscribe before the clerk of the Superior Court of said county the same oath as is required of the judges of the Superior Court, and shall forthwith be inducted into office and shall thereafter perform the duties herein prescribed.
Recorder to qualify.	
Compensation of recorder.	SEC. 5. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for trial and judgment the fee shall be two dollars for each trial and judgment, and where there is more than one defendant one dollar for each additional defendant.
Sessions of court.	SEC. 6. The said recorder shall hold daily sessions, legal holidays and Sundays excepted, in the town of Aurora, in some building to be provided by the board of town commissioners of Aurora.
Jurisdiction.	SEC. 7. The jurisdiction of the said court shall be as follows:
Concurrent jurisdiction.	(a) Said court to have concurrent jurisdiction with the courts of justices of the peace in all criminal offenses committed within Richland Township.
Exclusive original jurisdiction.	(b) The said court shall have exclusive original jurisdiction to hear and determine all other criminal offenses committed within said township below the grade of felony, as is now defined by law, and all such offenses committed within said township are hereby declared to be petty misdemeanors: <i>Provided</i> , that in all criminal offenses where said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the Superior Court of Beaufort County may proceed to try the same, as though this court did not exist.
Offenses declared petty misdemeanors. Proviso: prosecution within six months.	
Jurisdiction of justices of the peace.	(c) The said court shall have all the jurisdiction, power and authority as is conferred on justices of the peace by the Constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in the said court, for which the punishment is imprisonment, to be confined in the common jail of Beaufort County, to be worked on the public roads of said county; and any person convicted and punished by a fine may be required to work on said road for the nonpayment of same, at fair and reasonable wages, to be fixed by the board of county commissioners, until the same is paid in full, together
Sentence to road work.	

with the cost, and then to be discharged: *Provided further*, that in all cases where an appeal is taken to the Superior Court it shall be the duty of the said recorder to require a reasonable bond, and send the same, together with all papers, to the next term of the Superior Court to be held for the trial of criminal cases in said county, where the trial in all such cases shall be *de novo*; said appeal to be perfected as from a court of the justice of the peace. Proviso: bond on appeal.

SEC. 8. The said court shall have a seal, with the impression of "The Recorder's Court for the District of Aurora," which seal shall be used in the attestation of all writs, warrants, summons or other proceedings, acts, process, judgments or decrees of said court, in the same manner and to the same effect as the seals of the other courts of North Carolina. Seal of court.

SEC. 9. That the said recorder shall provide and keep a permanent document and record of all papers, proceedings and processes, which is to be open to public inspection at all times. Dockets and records.

SEC. 10. The said recorder shall at least one time in each month prepare and transmit a true record of all his official acts to the Clerk of the Superior Court of Beaufort County, and all fines imposed and collected shall be paid in to the treasury of said county on or before the second Tuesday in each month. Monthly reports to superior courts.
Payment of fines.

SEC. 11. That in all trials for criminal offenses, upon a demand for a jury by the defendant, the said recorder shall draw the same, as is now provided in actions before a justice of the peace and with the same rights and challenges as now exist. Juries.

SEC. 12. That in case of a vacancy in the said recorder's office, for any cause, it shall be the duty of the Board of County Commissioners of Beaufort County to appoint a recorder for the balance of the unexpired term. County commissioners to fill vacancies.

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 full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 498.

AN ACT TO AUTHORIZE THE JUDGE OF THE SUPERIOR COURT IN CERTAIN CASES TO APPOINT POLICEMEN IN LEAKSVILLE TOWNSHIP, ROCKINGHAM COUNTY, N. C.

Whereas, in Leaksville Township, Rockingham County, there are a number of cotton and woolen manufacturing enterprises; and whereas a municipal corporation is impracticable on account of the large area embraced in this manufacturing district, and

Preamble. in lieu of a municipal corporation there has been organized what is known as the Civic Association of Spray, N. C., composed of a number of representative citizens of Leaksville Township, and is a corporation without capital stock, which performs some of the functions of the town government; and whereas the inhabitants of said Leaksville Township are in great need of police protection, and the said civic association has no power of holding election or in any other manner of obtaining policemen: now, therefore,

The General Assembly of North Carolina do enact:

Judges authorized to appoint policemen or constables. SECTION 1. That upon the application of the said Civic Association of Spray, N. C., requesting the appointment of one or more persons to act as policeman or policemen and constable or constables for said Leaksville Township, the resident Judge of the Superior Court of the judicial district in which said Leaksville Township may be located, or any Superior Court judge riding or holding courts in said judicial district, may appoint such person or persons as he may see fit to act as such policeman, policemen, constable or constables.

Powers of policemen and constables. SEC. 2. That every policeman or constable so appointed shall possess the power to preserve the public peace, arrest and detain all violators of the law, and all other powers now conferred upon policemen in incorporated towns by law, and shall in addition have all the power and authority and be charged with the same duties as are exercised by and conferred upon the constable or constables of Leaksville Township under the laws of North Carolina in all matters connected with and incident to the office of constable: *Provided*,

Proviso: application of general law. SEC. 3. That nothing in the general law shall conflict or be inconsistent with the provisions of this act; and *Provided further*, that any laws or clauses of laws pertaining to the matter of election of constables shall not apply to the said policemen or constables, as aforesaid, and any person acting as such constable or policeman shall be allowed the fees allowed constables by law, and such policeman or constable appointed as aforesaid may execute any and all processes and perform all other acts that may now be executed or performed by the constable in and throughout Leaksville Township. The term of office of said constable or policeman shall be two years, subject to removal by the said Judge of the Superior Court for cause or upon request of the said civic association. Before such policeman or constable so appointed shall enter upon the duties of said office, they shall qualify as is now required of township constables.

Fees. Term of office. Removal for cause. Appointees to qualify.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 499.

AN ACT AUTHORIZING THE COMMISSIONERS OF DAVIE COUNTY TO BUY ADDITIONAL LAND FOR THE PURPOSE OF A COUNTY HOME FOR THE AGED AND INFIRM.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Davie County be and they are hereby authorized to purchase, in their discretion, either at public or private sale, all additional lands which said board may deem best for the improvement of said home for the aged and infirm and for the best interest of Davie County, having due regard for the firewood upon any land so purchased by them. Purchase authorized.

SEC. 2. That the number of acres of land hereby authorized to be purchased shall in no instance exceed fifty, and shall, if a suitable contract can be made therefor, be contiguous to the present tract of land now owned by said county and used for the purpose of a county home. The title for said land shall be vested in the county of Davie. Limit of purchase. Location. Title.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 500.

AN ACT TO AMEND CHAPTER 85, VOLUME 2 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That Joseph G. Brown, W. A. Blair, Henry C. Dockery, A. C. McAlister and Carey J. Hunter be and they are hereby appointed as the members of the Board of Public Charities of the State of North Carolina, and that their terms of office shall begin on July first, one thousand nine hundred and nine: that the said Carey J. Hunter and A. C. McAlister shall each hold their term of office for two years, and that Joseph G. Brown and Henry C. Dockery shall hold their offices for four years, and that W. A. Blair shall hold said office for a term of six years; that all vacancies occurring, for any cause, shall be filled by appointment of the Governor for the unexpired term. He shall also appoint members of said board as the terms of those herein expire, and that the term shall be six years. Members of board of public charities named. Terms of office. Appointments to fill vacancies. Appointment of successors.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 501.

AN ACT TO AMEND SECTION 1 OF CHAPTER 508 OF THE
PUBLIC LAWS OF 1907.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter five hundred and eight of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by inserting after the word "prevails," in line two of said section, and before the word "to," in line three, the following words: "and within the corporate limits of the town of Yadkinville, in Yadkin County."

Law extended.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 502.

AN ACT REGARDING CORPORATIONS.

The General Assembly of North Carolina do enact:

Formation of corporations authorized.

Business to be conducted.

Foreign corporations may become domesticated.

Statement to be filed.

Business restricted.

Annual reports.

SECTION 1. That corporations may be formed under section one thousand one hundred and thirty-seven of the Revisal of one thousand nine hundred and five, and laws amendatory thereto, to conduct the business of selling securities and bonds of any kind, including its own bonds, on the partial payment, installment or any other plan of payment, and to loan money upon mortgage and collect interest on the same.

SEC. 2. That any corporation chartered by any other State or by any foreign State, kingdom or government, having in its charter, among others, the power to conduct the business described in section one of this act, may become domesticated in this State in the same manner and upon the same terms and conditions as are provided in section one thousand one hundred and ninety-four of the Revisal of one thousand nine hundred and five; but such company must also file with the Secretary of State a statement, verified by its president and secretary, showing that its paid-up cash capital is at least one hundred thousand dollars and that it has complied with all the requirements of the laws of the State of its creation.

SEC. 3. That the business of such corporation in this State shall be restricted to the business described in section one of this act.

SEC. 4. That such corporation shall make annual reports to the Secretary of State, as required by section one thousand one hundred and fifty-two of the Revisal of one thousand nine hundred and five.

SEC. 5. That such corporation shall be liable to pay the taxes Liability for taxes. imposed by section eighty-three of "An act to amend chapter five hundred and eighty-eight of the Public Laws of one thousand nine hundred and five," being chapter two hundred and fifty-six of the Public Laws of one thousand nine hundred and seven, and also an *ad valorem* tax on all of its real and personal property situate in this State.

SEC. 6. That no foreign corporation domesticated under this act shall be required to pay any other taxes or license fees than those No other taxes to be paid named in the foregoing section.

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

SEC. 8. That this act shall go into effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 503.

AN ACT TO FIX SALARIES FOR PUBLIC OFFICERS AND CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN DUR- HAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Durham County may appoint one Sheriff may appoint deputies. Exception. or more deputies in each township in the county, except in Dur- Deputies allowed fees. ham Township, which is hereinafter provided for, and may allow such deputies the fees made and collected by them in serving sum-
mons, subpoenas, notices and processes of all kinds, and all fees and commissions made and collected by them from executions:
Provided, however, that said deputies shall serve papers only in Proviso: deputies to serve papers only in township where appointed. the township for which they are appointed, except in cases of emergency.

SEC. 2. All other fees, commissions, profits and emoluments of Sheriff to collect and turn over other fees and emoluments. 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 Appointment of jailer; salary. Duties of jailer. seven hundred and twenty dollars per annum. Said jailer in addition to jail duties, is to serve processes and papers, and shall keep a correct record of fees collected and make returns of same to the county treasurer in the same manner provided for deputies for East and West Durham.

SEC. 4. The said sheriff shall appoint one deputy each for East Deputies for East and West Durham. Salaries. Durham and West Durham, at a salary of fifty dollars per month.

- Said deputies are to be residents in the above-named villages and are to serve papers and processes in Durham Township: *Provided, however,* that they may do so in any section of the county. The said deputies shall collect and keep a correct record of all fees for serving summons, subpoenas, notices and processes of all kinds, and shall turn the amounts over to the county treasurer, to be disposed of as hereinafter provided, on Monday of each week, and at such time as may be required by the auditor of said county.
- Proviso:** may serve papers in any section of county.
Deputies to collect and turn over fees.
- Salary of sheriff.** SEC. 5. The said sheriff shall receive a salary of two thousand seven hundred dollars per annum in lieu of all other compensation whatsoever, and shall appoint one office deputy, at a salary of one thousand two hundred dollars per annum; and *Provided further,* that the premiums on the bond of said sheriff shall be paid out of the fund hereinafter created.
- Appointment and salary of office deputy.**
Proviso: premium on sheriff's bond.
- Clerk of superior court and register of deeds to collect and account for fees.** SEC. 6. The clerk of the Superior Court and the register of deeds of said county shall faithfully collect, account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office.
- Salary of clerk.** SEC. 7. The clerk of the Superior Court shall receive a salary of two thousand four hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for deputy clerk hire: *Provided, however,* that this amount may be increased, not to exceed nine hundred dollars per annum, by the county commissioners, if in their opinion such increase is necessary.
- Allowance for deputy.**
Proviso: increase by county commissioners.
- Salary of register of deeds.** SEC. 8. The register of deeds of said county shall receive a salary of two thousand one hundred dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for a deputy register of deeds: *Provided,* the county commissioners may allow additional compensation for making the tax lists required by law.
- Allowance for deputy.**
Proviso: allowance for making tax lists.
- Salary of treasurer.** SEC. 9. The Treasurer of Durham County shall receive a salary of one thousand six hundred dollars per annum in lieu of all other compensation whatsoever; and *Provided further,* that the premium on the bond of said treasurer shall be paid out of the fund hereinafter created.
- Proviso:** premium on treasurer's bond.
- Office of auditor created.**
Salary of auditor.
Bond. SEC. 10. The office of auditor for Durham County is hereby instituted and created, and the auditor of said county shall receive a salary of one thousand two hundred dollars per annum, and shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Durham, conditioned that he shall diligently, truly and faithfully perform all of the duties of his office, and he shall be responsible for all penalties or any moneys of other kinds which may be recoverable against him for any negligence, default, malfeasance or misconduct in office; the premium of said bond to be paid by said county.
- Responsibility on bond.**
- Premium on bond.**

SEC. 11. It shall be the duty of the auditor to assist the Register of Deeds of Durham County in making out the tax list now required by law. It shall be the duty of the auditor to make out and prepare for publication all annual statements required by law, to investigate and to inquire for all delinquent taxpayers and to require all delinquent property, including polls, to be placed on the tax list; to keep a record of all real estate transfers, with prices paid for same; to instruct tax listers and assessors; to act as accountant for the county, settling with the county officers; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all the officers of Durham County which show fees and commissions collected and received by them; to examine at least twice each year the dockets of all justices of the peace of said county and clerk of recorder's court of Durham Township; and he is hereby authorized to administer oaths on verification of claims which may be filed against the county, and to open a set of account books, in which shall be shown the total monthly receipts of fees and commissions of all the officers of said county in an expert and intelligent manner, assigning distinct and separate accounts for each and every said officer, which book shall be permanently kept as the records of his office and always open to public inspection. He shall likewise visit the county jail and other county institutions and examine same; also the books and accounts kept by the jailer and others. It shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said county for payment, and no claim or bill filed with said board of 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.

Duties of auditor.

Authority to administer oaths. Account books.

Further enumeration of duties.

Claims not allowed until audited and approved. Warrants countersigned and approved by auditor.

SEC. 12. That it shall be the duty of said auditor to familiarize himself with the market prices and to assist in buying the supplies of the county.

Purchasing agent.

SEC. 13. That the Auditor of Durham County shall be appointed by the board of commissioners of said county and shall hold office under the control and direction of the said board of county commissioners, and he shall open and keep an office, to be selected and furnished by the board of commissioners of said county, in which shall be safely and securely kept the records of his office.

Appointment of auditor. Office.

SEC. 14. The officers hereinbefore mentioned shall faithfully perform all the duties of their several offices imposed upon them by law, and shall receive no other compensation or allowance whatsoever for any extra or additional service tendered to the county

Officers to perform duties.

Liability for failure.

Separate fund.

Payment of salaries and allowances.

Division of surplus.

Payment of salaries and allowances.

Moneys to be turned over to treasurer.

Monthly statements.
Monthly settlements.
Exhibit of books and accounts.

Failure or refusal to collect fee a misdemeanor.

When act effective.

or State or other governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

SEC. 15. All the moneys coming into the hands of the Treasurer of Durham County by virtue of this act shall be held by him as a separate and distinct fund; and after paying the salaries and allowances provided for in this act, and after paying premiums for the bonds of sheriff, treasurer and auditor in some bonding company, the balance of said fund shall semiannually be divided equally between the public-school fund and the fund for public roads.

SEC. 16. The salaries and allowances herein provided for shall be paid by the treasurer of said county, upon warrant, as required by law, to the officers and assistants, in monthly installments.

SEC. 17. The officers hereinbefore named are required to turn over to the Treasurer of Durham County moneys coming into their hands, and shall make settlement with said treasurer on the last day of each and every month; and the county commissioners may at any time require said officers or any of them to exhibit to them all books and accounts, showing all moneys received and turned over to the treasurer under the provisions of this act.

SEC. 18. Any officer, clerk or assistant herein mentioned who shall wilfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office shall be guilty of a misdemeanor.

SEC. 19. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 20. That this act shall be in full force and effect on and after the first Monday in December, one thousand nine hundred and ten.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 504.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF EARNINGS OF EMPLOYEES OF RAILWAY CORPORATIONS AND OTHERS ENGAGED IN INTERSTATE BUSINESS, AND TO ASSURE TO THEM THE BENEFITS OF THE EXEMPTION LAWS OF THIS STATE RELATING TO PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Sending claims out of state or assignment or transfer, with intent to deprive debtor of personal earnings or property exempt, forbidden.

SECTION 1. That no resident creditor or other holder of any book account, negotiable instrument, duebill or other monetary demand arising out of contract, due by or chargeable against any resident wage-earner or other salaried employee of any railway

corporation or other corporation, firm or individual engaged in interstate business shall send out of the State, assign or transfer the same, for value or otherwise, with intent to thereby deprive such debtor of his personal earnings and property exempt by law from application to the payment of his debts under the laws of the State of North Carolina, by instituting or causing to be instituted thereon against such debtor, in any court outside of this State, in such creditor's own name or in the name of any other person, any action, suit or proceeding for the attachment or garnishment of such debtor's earnings in the hands of his employer, when such creditor and debtor and the railway corporation or other corporation, firm or individual owing the wages or salary intended to be reached are under the jurisdiction of the courts of this State.

SEC. 2. That no person residing or sojourning in this State shall counsel, aid or abet any violation of the provisions of section one of this act. Counseling, aiding or abetting violation of section 1 forbidden.

SEC. 3. That any person or persons violating any provision of sections one and two of this act shall be answerable in damages to any debtor from whom any book account, negotiable instrument, duebill or other monetary demand arising out of contract shall be collected, or against whose earnings any warrant of attachment or notice of garnishment shall be issued, in violation of the provisions of section one of this act, to the full amount of the debt thus collected, attached or garnisheed, to be recovered by civil action in any court of competent jurisdiction in this State; and any person so offending shall likewise be guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars. Violators liable in damages.
Measure of damages.
Misdemeanor.
Punishment.

SEC. 4. That in any civil or criminal action instituted in any court of competent jurisdiction in this State for any violation of the provisions of sections one and two of this act, proof of the institution or prosecution of any action, suit or proceeding in violation of the provisions of section one hereof, or the issuance of service therein of any warrant of attachment, notice or garnishment or other like writ for the garnishment of the earnings of the defendant therein, or of the payment by the garnishee therein of any final judgment rendered in any such action, suit or proceeding shall be deemed *prima facie* evidence of the intent of the creditor or other holder of the debt sued upon to deprive such debtor of his personal earnings and property exempt from application to the payment of his debts under the laws of this State, in violation of the provisions of this act. Prima facie evidence of intent.

SEC. 5. That no provision of this act shall be so construed as to deprive any person entitled to its benefits of any legal or equitable remedy already possessed under the laws of this State. Construction of act.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 505.

AN ACT TO ESTABLISH A CARD-INDEX SYSTEM FOR GRANTS AND TO REARRANGE AND CHANGE THE METHOD OF FILING WARRANTS, PLATS AND SURVEYS IN THE SECRETARY OF STATE'S OFFICE.

Preamble. Whereas there are in the Secretary of State's office the warrants, plats and surveys on which grants for all the land in this State and much of the land in Tennessee was issued; and whereas many of these papers are crumbling with age and fall apart upon examination; and whereas the use of them is annually increasing, and it is necessary that a better method of handling and filing the same be adopted: therefore,

The General Assembly of North Carolina do enact:

Installment of
card-index system
authorized.
What cards to
to show.

SECTION 1. That the Secretary of State be authorized to install a card-index system for grants, which cards, for each grant, shall show substantially the following:

..... County Acres
Name
Grant No. Issued
Grant Book Page
Entry No. Entered
File No.
Location
Remarks:

Warrants, plats
and surveys to
be encased in
envelopes.

SEC. 2. That every warrant, plat and survey that can be found shall be encased in separate envelopes, on which shall be endorsed substantially the following:

Endorsement.

..... County Acres
Name
Grant No. Issued
Grant Book Page
Entry No. Entered
File No.
Location
Remarks:

Grant record
books to be
copied.
Records to be
restored.

SEC. 3. That such grant record books as are old and falling to pieces shall be recopied, and whenever any part of the record of a grant is partly gone or destroyed the Secretary of State is authorized to restore same, if he can do so with accuracy from the description in the plat and survey upon which the grant was issued and original record made.

SEC. 4. That an appropriation of one thousand five hundred dollars a year for two years is hereby made for this purpose, payable by warrant from the auditor on the State Treasurer to such person or persons as the Secretary of State may certify to as being employed in this work.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 506.

AN ACT TO AUTHORIZE NORTH WHITAKER'S TOWNSHIP, IN NASH COUNTY, TO ISSUE BONDS FOR THE IMPROVE- MENT OF THE PUBLIC ROADS OF SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Nash County, for the purpose of laying out, establishing and improving the public roads and thoroughfares of North Whitaker's Township, in the county of Nash, are authorized and empowered to issue the bonds of said township, bearing interest at a rate not exceeding six per centum per annum, to an amount not to exceed ten thousand dollars (\$10,000), which bonds shall be of the denomination of five hundred dollars each, to each and every of which bonds shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until said bonds shall mature, and shall be payable at the office of the Treasurer of Nash County, North Carolina. The bonds so issued by said commissioners shall be numbered consecutively from one to twenty, and coupons shall bear the number of the bond to which they are attached, and shall declare the amount of interest which they represent and the date upon which said interest is due, and shall be receivable in payment of all taxes levied under this act. The said bonds shall run for a period of twenty years, and after ten years one-tenth of said bonds may be redeemed before maturity, as hereinafter provided. The said bonds so issued by the commissioners of Nash County shall be paid by North Whitaker's Township, in said county, and shall not be chargeable against any property outside of said township or against any polls of citizens of the county resident without the limits of said township.

Purpose of bond issue.

Bond issue authorized.
Interest.
Amount.

Denomination.

Bonds to be numbered.

Coupons receivable for taxes.
Maturity of bonds.

Bonds a charge on township only.

SEC. 2. That the said bonds shall be issued over the signature of the chairman of the Board of County Commissioners of Nash County, attested by the official seal and the signature of the

Authentication of bonds.

Sale of bonds.	Register of Deeds of Nash County, and the chairman of the board of county commissioners shall, under the direction of the county commissioners, dispose of said bonds as the necessity for the prosecution of the laying out, establishing, grading and improving the public roads and thoroughfares of North Whitaker's Township may require, at a sum not less than their par value:
Proviso: rate of interest.	<i>Provided</i> , that if the said bonds can be sold at or above their par value, at a rate of interest not exceeding five per cent per annum, it shall be the duty of said chairman of the board of commissioners to so sell them: <i>Provided further</i> , that the said bonds shall be issued and sold only as the funds are needed for the purpose indicated herein.
Proviso: bonds sold only as funds are needed.	
Special tax for interest.	SEC. 3. That for the purpose of paying the interest as it falls due on said bonds it shall be the duty of the county commissioners to levy and cause to be collected, annually, as other county taxes are levied and collected, for ten years after the issue of said bonds, a tax upon the real and personal property of North Whitaker's Township, in Nash County, not exceeding thirty (30) cents on the one hundred dollars' worth of property and ninety (90) cents on the poll of persons in said township liable to poll tax: and at the end of ten years it shall be the duty of the commissioners of Nash County, for the purpose of paying the interest on said bonds and providing a sinking fund for their redemption, to levy and cause to be collected, annually, as other county taxes are levied and collected, a tax upon the real and personal property of North Whitaker's Township, not exceeding thirty (30) cents on the one hundred dollars' worth of property and ninety (90) cents on the poll of persons in said township liable to poll tax.
Limit of rate.	
Special tax for interest and sinking fund.	
Limit of rate.	
Purchase of bonds.	SEC. 4. That in order that the commissioners of Nash County, acting for North Whitaker's Township, may use the excess of the funds raised by taxation under this act, after paying the annual interest accrued on said bonds, they are authorized and empowered, after ten years from the issue of said bonds, to purchase one-tenth of all the bonds issued, at a sum not exceeding their par value; and in case no holder of said bonds shall offer to sell one-tenth of them, then the said commissioners are authorized and required to designate such bonds, not exceeding one-tenth of the whole number issued, as they may desire to purchase; and after the designation of such bonds, and a notice thereof given through a newspaper published in Nash County, if the holder of the bonds designated neglects or refuses to surrender the same and receive their par value, with interest accrued thereon at the time of such notice, then the holder shall not receive any interest subsequently accruing: <i>Provided</i> , the said bonds shall be affected with the conditions of this section only when the said conditions are expressed upon the face of the bonds.
Call of bonds.	
Interest on called bonds to cease.	
Proviso: conditions expressed on face of bonds.	
Record of bonds.	SEC. 5. That the commissioners of said county shall provide a record, which shall be kept by their clerk, in which shall be

entered the name of every purchaser of a bond and the number of the bond purchased and the amount received for said bond. They shall cause to be kept a record of the bonds redeemed annually; and the bonds, when redeemed and recorded, shall be destroyed by fire, in the presence of the board of commissioners, by some one of their number or by their clerk under their direction.

Destruction of redeemed bonds.

SEC. 6. That the funds derived from the sale of the bonds hereinafore provided for shall be placed in the hands of the county treasurer, and shall by him be kept separate and apart from other moneys in his hands, and shall be paid out only on the order of the county commissioners, whose clerk shall sign all orders so drawn on the treasurer by order of the said commissioners. The county treasurer shall execute a good and sufficient bond in a penal sum double the amount of money placed in his hands for road purposes in North Whitaker's Township, conditioned for the faithful accounting for all such moneys received by him. The said county treasurer shall receive as compensation for receiving and disbursing the said fund, and for receiving and disbursing the taxes levied under this act, such sum as shall be fixed by the Board of County Commissioners of Nash County, not exceeding one-half of one per cent on amounts received and one per cent on amounts disbursed, said compensation to be paid out of the said fund. The said bond shall be accepted by the county commissioners, when approved by them, and shall be recorded and kept as the other bonds required of the treasurer are required to be kept. The clerk of the board of commissioners shall keep a separate order book, with stubs, on which he shall enter a memorandum of each order drawn, showing the name of the payee in such order, the number and date of the order, the amount paid and the purpose for which it was paid.

Funds kept separate.

Road orders.

Bond of treasurer.

Compensation of treasurer.

Order book.

SEC. 7. That the Board of Commissioners of Nash County shall use the funds derived from the sale of bonds in laying out, establishing, grading and improving the public roads and thoroughfares of North Whitaker's Township, and they may at their discretion work the convict labor assigned to work on the public roads, or such other labor of convicts as they may be able to obtain, either by direct sentence of the several courts of the State or from the penitentiary authorities.

Use of road funds.

Convict labor.

SEC. 8. That the board of county commissioners of said county shall have power and authority to buy or rent such machinery and tools, stock, material or other appliances necessary for the prosecution of the working and improvement of the public roads and thoroughfares as they may deem proper.

Machinery, tools, stock and materials.

SEC. 9. That the board of county commissioners shall appoint three (3) competent road commissioners for North Whitaker's Township, who, under the direction of said board of commission-

Appointment of road commissioners.

	ers, shall direct the laying out, establishing, grading and improving of the public roads and thoroughfares and the streets into which the said public roads and thoroughfares enter coming into the town of Whitaker's to the center of the town: <i>Provided</i> , they shall not alter or change the location of any street in the town of Whitaker's without the consent of the board of commissioners of said town: <i>Provided further</i> , that in working the streets of said town they shall consult with the commissioners of the town of Whitaker's and act under their direction.
Proviso: alteration of streets.	
Proviso: work on streets.	
Entry on land for material.	SEC. 10. That for the purpose of laying out and establishing any public road in said township and for working and grading it, the road commissioners shall have the right to enter upon the land or lands of any person or persons over whose lands the said road shall be laid out, or over which it has been laid out, and open the road, remove dirt, earth, or any other material therefrom, with as little injury as possible thereto, and they may agree with the owner or owners as to the damage done, and the damages so agreed on by them, in writing, shall be presented to the board of commissioners for payment, and when approved by the commissioners shall be paid by the treasurer of the road fund of said township.
Payment of damages.	
General road law not repealed.	SEC. 11. That this act shall not be construed to repeal the general road law for the working of the public roads of North Whitaker's Township.
Convicts sentenced to road work.	SEC. 12. That should the county commissioners decide that it is expedient to work convict labor on the roads of said township, then it shall be the duty of any judge of the Superior Court holding court in the county of Nash to sentence all persons convicted of crime committed in said township, and who shall not be punished by fine, to work on the public roads of North Whitaker's Township whenever such persons may be sentenced to work on the public roads under the laws of the State, and any judge of a criminal or superior court may sentence convicts from other counties where such courts are held by them, whenever the commissioners of Nash County shall make application for them to be sentenced to work on the public roads of North Whitaker's Township; and the justices of the peace of said township and the mayor of the town of Whitaker's are hereby authorized, empowered and directed to sentence all persons convicted of crime committed in said township or town, and who shall not be punished by fine, to work on the roads of North Whitaker's Township whenever such persons may be so sentenced to work on the public roads under the laws of the State.
Convicts from other counties.	
Sentences by justices and mayor.	
Ratification or rejection of act to be voted on.	SEC. 13. That the said Board of Commissioners of Nash County shall not issue the bonds hereinbefore provided for, or any part of the same, nor shall this act be in force, as a whole or in any part, until the commissioners of Nash County shall have first

submitted to the qualified voters of North Whitaker's Township, at an election to be held for the purpose, the question of a ratification or rejection of this act, which election they are authorized to call at such time as they may deem proper for best securing the voice of the people of said township upon the question; and said election shall be held in strict accordance with the general law of elections of this State, and all persons resident in North Whitaker's Township and eligible to vote in said township for State officers shall be eligible to vote in said election. If at said election a majority of the qualified voters registered for said election shall cast ballots on which shall be written or printed the words "For Good Roads," then the commissioners may issue said bonds, and this act shall be in full force and effect; otherwise, the said commissioners shall not issue said bonds, and this act shall be null and void.

Call of election authorized.

Law governing election.

Effect of election.

SEC. 14. That the county commissioners of Nash County may, if in their opinion it shall be necessary to secure a fair and impartial election, order a new registration of the qualified voters of North Whitaker's Township to determine the question of the ratification or rejection of this act.

New registration.

SEC. 15. That if any other township in Nash County shall desire to avail itself of the provisions of this act, it shall be lawful for and the duty of said Board of Commissioners of Nash County, upon the petition (duly authenticated and known by said board of commissioners to be genuine) of one-third of the freeholders of any such township, to order to be held in said township so making petition an election exactly as is provided for in section thirteen (13) hereof. In ordering said election the said board of commissioners shall make provision for the details thereof in accordance with the terms and directions of said section thirteen. If a majority of the legally qualified voters of said township so petitioning and voting shall vote "For Good Roads," then the terms, provisions and powers of this act and of each and every section thereof shall be applicable to said township, and the act shall be in all respects as if enacted and adopted for such township, exactly with like effect and efficacy as if the name of such township were specifically written in the several sections of said act and as if it had been made for such township at the time of its passage.

Petition for election in other townships.

Order for election.

Act extended.

SEC. 16. It is hereby expressly provided and declared that the provisions of this act shall not apply to or in anywise affect or interfere with the Rocky Mount Road District as it is now laid out; but the provisions of the statute made and enacted for such Rocky Mount Road District shall be and remain applicable to and the law of said road district.

Law not to affect Rocky Mount road district.

SEC. 17. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 507.

AN ACT TO AMEND SECTION 1128 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO POWERS OF CORPORATIONS.

The General Assembly of North Carolina do enact:

Insurable interest of corporations in life of officers or agents.

SECTION 1. That section one thousand one hundred and twenty-eight of the Revisal of one thousand nine hundred and five be amended by adding after subsection five of said section one thousand one hundred and twenty-eight the following: "And whenever there shall devolve upon any officer or agent of a corporation duties and responsibilities of such a nature as that a financial loss would result to the corporation from the death and consequent loss of the services of such officer or agent, then in such cases the corporation shall be deemed to have an insurable interest in the life of such officer or agent and shall have the power to insure the life of such officer or agent for its benefit."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 508.

AN ACT TO REPEAL SECTIONS 4112, 4099, 4100, 4101, 4102, 4103, 4104 AND 4105 OF THE REVISAL OF 1905 OF NORTH CAROLINA, AND TO PROVIDE FOR THE LEVYING OF A SPECIAL TAX AND FOR A SPECIAL STATE APPROPRIATION FOR THE MAINTENANCE OF ONE OR MORE PUBLIC SCHOOLS IN EVERY SCHOOL DISTRICT FOR A TERM OF FOUR MONTHS IN EACH YEAR, AND FOR A MORE EQUITABLE APPORTIONMENT THEREOF.

The General Assembly of North Carolina do enact:

County boards of education to ascertain amount needed.

Ascertainment of amount available.

SECTION 1. That section four thousand one hundred and twelve of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out all of said section and substituting in place thereof the following: "On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money that will be needed to maintain the public schools of such county for four months during the succeeding school year. The board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth,

shall ascertain the amount that will be available for school purposes from the regular school tax, from fines and penalties and from the amount appropriated under section four thousand and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina. If the amount to be received is less than the amount ascertained to be needed, the board of education shall submit a statement of the above facts to the board of county commissioners of such county; and it shall be the duty of the board of county commissioners to levy a special tax on all property and polls in said county to supply one-half the deficiency for the support and maintenance of the public schools of such county for four months: *Provided*, that this special tax shall not be less than one cent on the one hundred dollars valuation of property and three cents on each poll, nor more than five cents on the one hundred dollars valuation of property and fifteen cents on each poll in any county. This tax shall be levied and collected as other county taxes are levied and collected, and the funds thus raised shall be expended in such manner as the county board of education may determine for maintaining one or more public schools in each school district for four months in each year. The calculation of the amount that will be necessary shall state separately the amounts needed for supervision, for administration, for buildings and repairs, for expenses (this to be itemized) and for salaries of teachers. The limitation placed by law on each of these objects shall not be exceeded. The county board of education shall further state the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district; and the average of salaries to be paid according to this statement shall not exceed the average salaries paid in the State during the preceding year for white teachers and colored teachers, respectively. In the event of a disagreement between the county board of education and the board of county commissioners as to the rate of tax to be levied, the county board of education may bring an action in the nature of *mandamus* against the board of county commissioners to compel the levy of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of the Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county."

Facts submitted to county commissioners.

Special tax for one-half of deficiency.

Proviso: limits of rate.

Levy and collection of tax.

Expenditure of proceeds.

Amounts to be stated separately.

Limitations not to be exceeded. Number and salary of teachers to be stated.

Limit of average of salaries.

Mandamus to compel levy.

Judge to find facts and give judgment.

Sections of revisal repealed.

Sec. 2. That sections four thousand and ninety-nine, four thousand one hundred, four thousand one hundred and one, four thousand one hundred and two, four thousand one hundred and three, four thousand one hundred and four, and four thousand one hun-

Appropriation by state.	dred and five of the Revisal of one thousand nine hundred and five of North Carolina be and the same are hereby repealed, and that in lieu thereof the following be and the same is hereby substituted and enacted: "One hundred thousand dollars is hereby appropriated annually out of the State Treasury for the benefit of
Apportionment.	the public schools, to be apportioned by the State Board of Education as follows: The treasurer of the county school fund and the county superintendent of public instruction of each county in which a special tax has been levied by the county commissioners thereof to maintain one or more public schools in each school district of said county for a period of four months in each year shall make affidavit to the State Superintendent of Public Instruction, on or before the second Monday in January of each year, stating the rate of the special tax so levied by said commissioners in June of the preceding year, and said affidavit shall be accompanied with a certified copy of the itemized statement submitted by the county board of education to the county commissioners in accordance with which said levy of said special tax for schools was made, signed by the chairman of the county board of education and the county superintendent of public instruction, and such further information about the receipts and expenditures and apportionment of the school fund in said county as may be required by the State Superintendent of Public Instruction; and thereupon the State Board of Education shall apportion to said county from said appropriation a sum of money equal to the amount so levied and to be derived from said special tax: <i>Provided</i> , that if in any county that has levied a maximum special tax of five cents on the one hundred dollars valuation of property and fifteen cents on the poll the funds are still insufficient to maintain in every school district one or more public schools for at least four months, an additional apportionment shall be made to said county of the additional amount necessary to provide a four-months school term in every school district in such county. The State Superintendent of Public Instruction shall issue a requisition on the State Auditor for the amount so apportioned to any county, who shall issue his warrant in favor of the county treasurer of said county for said amount, and the money shall be placed by said treasurer to the credit of the general public school fund of the county, to be used, first, for providing a four-months school term in every school district, and any balance to be used for equalizing, as nearly as may be, the terms of all the public schools of said county. The balance of the State appropriation of one hundred thousand dollars herein provided shall be apportioned by the State Board of Education to the respective counties of the State, per capita as to school population, as provided for the apportionment of the one hundred thousand dollars appropriated under section four thousand and ninety-seven of the Revisal of one thousand nine hundred and
Affidavit of rate of tax to state superintendent.	
Copy of statement to county commissioners.	
Further information.	
Apportionment to equal amount of special tax.	
Proviso: additional apportionment.	
Requisition on auditor.	
Warrant on treasurer.	
Money credited to county school fund.	
Use of money.	
For providing a four-months school term in every district.	
For equalizing terms of all public schools.	
Apportionment of balance of state appropriation.	

five of North Carolina: *Provided further*, that the State Board of Education shall deduct from said appropriation biennially the sum of seven thousand five hundred dollars for rural libraries, as provided in section four thousand one hundred and seventy-nine of the Revisal of one thousand nine hundred and five of North Carolina."

Proviso: sum retained for rural libraries.

SEC. 3. That no county needing aid from this appropriation for a four-months school term in every district shall receive any funds therefrom until it shall have levied the special tax herein required of it for that purpose.

Counties not to receive aid unless levying special tax.

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

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

Ratified this 5th day of March, A. D. 1909.

CHAPTER 509.

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO UNITE WITH CERTAIN LANDOWNERS IN HYDE COUNTY IN ESTABLISHING A DRAINAGE DISTRICT, INCLUDING MATTAMUSKEET LAKE AND THE LANDS ADJACENT THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is hereby authorized to unite with the owners of the lands adjacent to Mattamuskeet Lake, in Hyde County, in a petition to establish a drainage district which shall include the lands covered by the waters of said lake and the lands adjacent thereto; the said petition to be filed in accordance with the terms and provisions, except hereinafter modified, of the general drainage law enacted at this session of the General Assembly.

State board of education authorized to unite in petition.

SEC. 2. The classification of lands according to benefits received, as set forth in sections twelve and thirty-one of said drainage law, shall not apply to the lands owned by the State Board of Education, but shall apply to all other lands in said drainage district. The State of North Carolina is to pay three-fourths ($\frac{3}{4}$) of the total costs of establishing said drainage district and draining and diking the lands included in said district, but in no event shall the State pay more than three hundred thousand dollars (\$300,000).

Classification of lands.

State to pay three-fourths of costs.

Limit of amount.

SEC. 3. Two members of the board of drainage commissioners provided for in section nineteen of the general drainage law shall be appointed by the State Board of Education and one appointed

Appointment of drainage commissioners.

Corporate name	by the court before which the petition is filed. The corporate name of said district shall be the "Board of Drainage Commissioners of Mattamuskeet District," and the State Treasurer shall be the <i>ex officio</i> treasurer of said board.
Cost of repairs and maintenance.	SEC. 4. After the lands in said drainage district are drained and diked, the costs of repairs and maintenance shall be borne equally by all the lands in said district.
Payment of interest on bonds.	SEC. 5. The interest on the bonds provided for in section thirty-four of the general law shall for three years be paid by the Board of Drainage Commissioners of Mattamuskeet District out of the general funds in the hands of said board. The State of North Carolina shall be liable for only three-fourths ($\frac{3}{4}$) of the face value of said bonds, and a statement to this effect must be written on the face of said bonds. Said bonds shall not be sold for less than par and accrued interest at the time of sale. The State shall be reimbursed by the State Board of Education for all money it expends on said drainage district, with interest at six (6) per cent on the same, out of the first proceeds that the State Board of Education shall receive from the sale of lands in said drainage district.
Limit of liability of state.	
Bonds not to be sold below par. Reimbursement to state.	
Land of state and of board of education discharged of lien.	SEC. 6. When the State shall pay the three-fourths ($\frac{3}{4}$) of the total costs of said improvements assumed by it, its land and the land of the State Board of Education shall be forever discharged from all lien or claim on account of said bonds; and if the State shall, after said lands are drained and diked, sell the said lands or any part thereof, it shall be discharged from any and all liability for costs of maintenance and improvements, the said costs for improvements to be collected out of the land itself.
State discharged of liability.	
Action discretionary with board of education.	SEC. 7. It is not mandatory upon the State Board of Education to unite in the petition mentioned in section one hereof, but it may do so, or may make such other disposition of its lands under and adjacent to Mattamuskeet Lake as it may deem proper.
	SEC. 8. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 510.

AN ACT TO ISSUE BONDS TO CARRY OUT THE ACT OF 1907, FOR THE CARE OF THE INSANE OF THE STATE.

Preamble.	Whereas a bill was introduced in the General Assembly of one thousand nine hundred and seven carrying an appropriation of five hundred thousand dollars (\$500,000) to be expended by a State Hospital Commission in providing for the care of all the mental defectives of the State; and whereas said bill provided for bonds to be issued by this State to the amount of said appropria-
Preamble.	

tion, but said bond feature was stricken from said bill upon the hope that the current revenues of the State would be sufficient to meet the appropriation; and whereas the State Treasurer was authorized to borrow the sum of one hundred and twenty-five thousand dollars (\$125,000) per annum, if the revenues of the State not otherwise appropriated should not be sufficient to meet the appropriations made by the bill; and whereas said bill, as amended, passed the General Assembly and is incorporated in chapter one hundred and ninety-one of the Public Laws of one thousand nine hundred and seven; and whereas the revenues of the State have not been sufficient to meet the appropriation of one hundred and twenty-five thousand dollars (\$125,000) per annum, or any part thereof, and in pursuance of the authority vested in him by said act the State Treasurer has borrowed the sum of two hundred and fifty thousand dollars (\$250,000) to carry on the work authorized and directed in said act: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the two hundred and fifty thousand dollars (\$250,000) already borrowed by the State Treasurer and to make provision for the two hundred and fifty thousand dollars (\$250,000) yet to be expended by the State Hospital Commission by virtue of said act, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and nine, to an amount not to exceed the sum of five hundred thousand dollars (\$500,000): *Provided*, that out of the proceeds of said bonds shall be paid the sum of twenty thousand dollars deficit existing in the accounts of the State Hospital at Morganton, and also the sum of eleven thousand dollars deficit existing in the account of the Eastern Hospital at Goldsboro.

Purpose of bond issue.

Bond issue directed.

Maturity Amount.

Proviso: deficits to be paid from proceeds.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of July, one thousand nine hundred and nine, until paid, which said interest shall be payable semiannually on the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid.

Interest.

SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds, of the denomination of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as may be determined by said State Treasurer, and shall be signed by the Governor and 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 facsimile of his signature printed, engraved or lithographed thereon, and the said bonds shall in all other respects be in such form as the said State Treas-

Denominations.

Authentication.

Authentication of coupons.

- Coupons receivable for taxes. urer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids, in such manner as in his judgment may seem to be most effectual to secure the best price. He is authorized to accept bids for the entire issue or of any portion thereof, and where the conditions are equal he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as in his judgment will produce the best price.
- Advertisements for sale of bonds.
- Bids.
- Preference to citizens.
- Exemption from taxation.
- Bonds lawful investments.
- SEC. 4. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.
- SEC. 5. It shall be lawful for all executors, administrators, guardians and fiduciaries generally to invest in said bonds.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1909.

CHAPTER 511.

AN ACT TO PROHIBIT KILLING DOVES IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

- Close season SECTION 1. That from the first of January to the fifteenth of July in each year it shall be unlawful for any person or persons to hunt, shoot, trap or kill doves in the county of Edgecombe.
- Misdemeanor.
- Punishment.
- Repealing clause.
- SEC. 2. That all persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed ten dollars or imprisoned not more than ten days.
- SEC. 3. That the provisions of chapter two hundred and eighty-nine of the Public Laws of one thousand nine hundred and seven, so far as the same applies to the county of Edgecombe, be and the same is hereby repealed.
- SEC. 4. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1909.

CHAPTER 512.

AN ACT TO PREVENT THE KILLING OF SQUIRRELS IN
EDGECOMBE AND NASH COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. The close season of time in each year during which Close season.
no squirrels shall be killed, as to the counties of Edgecombe and
Nash, shall be from the first day of March to the first day of
October.

SEC. 2. That any person or persons violating this provision of Misdemeanor.
this act shall be guilty of a misdemeanor, and upon conviction Punishment.
shall be fined not to exceed ten dollars or imprisoned not more
than ten days.

SEC. 3. That this provision of chapter two hundred and eighty- Law repealed as
three of the Public Laws of one thousand nine hundred and seven, to Edgecombe.
so far as the same applies to the county of Edgecombe, be and the
same is hereby repealed.

SEC. 4. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 513.

AN ACT TO PROVIDE FOR THE PAYMENT TO THE CLERK
OF THE SUPERIOR COURT OF CAMDEN COUNTY OF
CERTAIN SUMS FOR SERVICES AT COURT.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners in and for the Allowance to clerk
county of Camden be and it is hereby authorized to make allow- authorized.
ance to the clerk of the Superior Court of said county for keep-
ing and preserving the records of the said court and transcribing
the minutes thereof, and for making and compiling the docket
thereof, by paying said clerk the sum of twenty-five dollars for Amount.
each and every term of court held in said county for the trial
of either civil or criminal cases, or both, 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 and effect from and after
its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 514.

AN ACT TO PROTECT CLAMS IN THE WATERS OF BROWN SOUND AND QUEEN'S CREEK.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for any person, firm or corporation to catch or take any clams from the waters herein described between the first day of April and the first day of October. Said territory shall be as follows: Beginning at the mouth of Queen's Creek, in Onslow County, and running the various courses of the said Queen's Creek channel to Bogue Inlet, including all the waters south of said channel to the Horse Ford, between Brown Sound and New River: *Provided*, this act shall not be so construed as to prohibit anyone from catching clams for their own table use only.

Territory defined.

Misdemeanor.

Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 515.

AN ACT TO AUTHORIZE THE DRAINAGE OF GRANT'S CREEK, IN ROWAN COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Discharge of injurious matter into streams forbidden.

Remedy by injunction.

Boards of health charged with execution of act.

SECTION 1. No person or municipality shall flow or discharge sewage, fecal matter, dye stuff or waste, foul or other injurious matter into any drain, brook, creek or river in Rowan County, unless the same shall have been passed through some well-known system of sewage purification approved by the State Board of Health; and the continued flow and discharge of such sewage, fecal waste, foul or injurious matter may be enjoined upon the application of anyone.

SEC. 2. The auxiliary board of health and the sanitary board of health of Rowan County shall see to it that the streams mentioned in section one shall not be polluted and shall be rendered and maintained in good sanitary condition by such persons or municipalities as make use of said streams for sewerage purposes, and may require such persons and municipalities to drain said

streams, by ditches, canals or otherwise, for the purpose of purifying the waters of said streams and putting the same in good sanitary condition and for the benefit of the health of the community.

SEC. 3. Grant's Creek, in said county, may be drained from the Western North Carolina Railroad bridge across said creek by the landowners to the point where the sewage of the city of Salisbury empties into said creek, pursuant to chapter seven hundred and fifty-one of the Public Laws of one thousand nine hundred and seven, entitled "An act to extend the provisions of chapter one hundred and twenty-three, acts of one thousand eight hundred and eighty-seven, providing for the drainage of lowlands in the county of Rowan." Section of Grant's creek to be drained.

SEC. 4. The drainage of said creek, from the place where said sewage empties into it until it reaches the Yadkin River, shall be at the expense of the city of Salisbury and of the town of Spencer, in such equitable proportion as may be determined by the sanitary committee of Rowan County, and the drainage of said creek shall be done as directed by said sanitary committee. Draining at expense of Salisbury and Spencer.

SEC. 5. The sanitary committee of Rowan County shall make such rules and regulations and impose such penalties in order to put in force and carry out the provisions of this act as may be deemed necessary by said committee to protect and advance the public health. Drainage directed by sanitary committee.

SEC. 6. Any person or municipality violating this act shall be guilty of a misdemeanor. Rules and regulations prescribed by sanitary committee.

SEC. 7. This act shall be in force from and after its ratification. Violation of act a misdemeanor.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 516.

AN ACT TO PROTECT GAME IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the closed season of each year, during which no game, bird or animal shall be shot or hunted with a gun, shall be between the first day of March and the fifteenth day of November of each year. Close season.

SEC. 2. That any person found off his premises during the above-mentioned closed season with a gun shall be deemed *prima facie* guilty of a violation of this act. Prima facie evidence of guilt.

SEC. 3. That any person found guilty of a violation of this act shall be fined the sum of ten dollars, one-half of said amount to go to the informant and one-half to the public-school fund. Fine for violation of act. Division of fund.

Hunting without
gun.

SEC. 4. That this act shall not prohibit the running down and catching of any wild or game animal with hounds, where no gun or other firearm is carried or used.

When act
effective.

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 full force and effect after the first day of April, one thousand nine hundred and nine.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 517.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO CHANGE THE LOCATION OF THE COMMON JAIL OF SAID COUNTY AND ISSUE BONDS FOR THE PURPOSE OF EITHER REPAIRING THE PRESENT JAIL OR BUILDING A NEW ONE.

The General Assembly of North Carolina do enact:

Removal of jail or
designation of
new site
authorized.

SECTION 1. That the Board of Commissioners of Mecklenburg County is hereby authorized and permitted, in its discretion, to remove or designate a new site for the common jail of said county at any time a majority of said board may deem it wise to do so; and in case the said board shall remove and designate a new site for said common jail it shall have the right to acquire by purchase the necessary lands upon which to locate and erect said common jail; but if said board shall be unable to agree with the owner of such land for the purchase of the same, then it shall have the right to condemn said land for the purpose of locating and building thereon a common jail for said county and take immediate possession thereof, without let or hindrance from the owner; and the value of said land so condemned and taken possession of for said purpose shall be ascertained and fixed, as near as may be, pursuant to the manner provided in subdivision five of chapter sixty-one of the Revisal of one thousand nine hundred and five, entitled "Eminent Domain."

Right to acquire
land.

Right to condemn
land.

Procedure for
condemnation.

Bond issue
authorized.

SEC. 2. That for the purpose of building or repairing the common jail of said county, whether at its present site or a site to be hereafter located, the Board of Commissioners of Mecklenburg County is hereby authorized and empowered to issue bonds of the county, to an amount not exceeding the sum of one hundred thousand dollars, of the denominations not to exceed one thousand dollars, bearing interest from the date thereof at a rate not exceeding five per cent per annum, with the interest coupons attached, payable semiannually at such time and places as may be deemed advisable by said board, such bonds to be of such form and tenor and transferable in such way and the principal thereof

Amount.

Denominations.

Interest.

payable at such time or times, not exceeding fifty years from Maturity, the date thereof, and at such place or places as the said board may determine: *Provided*, that none of such bonds shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than the face value thereof. Bonds not to be sold below par.

SEC. 3. That for the purpose of providing for the payment of the interest accruing on and the principal of said bonds at maturity, the Board of Commissioners of Mecklenburg County shall, annually, and at the time of the levying of other county taxes, levy and lay a special tax on all subjects of taxation within said county which said board is now or hereafter may be allowed to lay and levy taxes upon for any purpose whatever, sufficient to pay the interest on said bonds, and to create a sinking fund for the payment of the principal thereof at maturity. Special tax.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 518.

AN ACT TO PROTECT QUAIL IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to hunt, kill, injure or capture any quail or partridge in McDowell County from the first day of February to the first day of December. Close season.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined five dollars for each offense or imprisoned not more than ten days. Misdemeanor. Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 519.

AN ACT TO PROTECT GAME IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt or kill deer in Craven County except from September first to February first of each and every year. Open season for deer.

SEC. 2. That it shall be unlawful to sell deer killed in Craven County in or out of said county, and to sell deer killed out of the said county in said county, for a period of two years from and after the ratification of this act. Sale of deer forbidden.

- Open season for quail or partridge. SEC. 3. That it shall be unlawful to hunt or kill or trap quail or partridges in Craven County except from November first to February first of each and every year.
- Open season for summer duck. SEC. 4. That it shall be unlawful to hunt or kill "summer ducks" in Craven County except from the first day of September to the first day of March of each and every year: *Provided*, that nothing in this section shall be construed to change or affect the present law or laws regulating the hunting of other ducks of a migratory nature and the killing of the same.
- Proviso: other migratory ducks.
- Misdemeanor. SEC. 5. That anyone violating the provisions of this act shall be guilty of a misdemeanor and fined not less than twenty-five dollars and imprisoned at the discretion of the court.
- Punishment.
- Application of act. SEC. 6. This act shall apply to Craven County only.
- SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 8. This act shall be in force from and after its ratification.
- Ratified this the 5th day of March. A. D. 1909.

CHAPTER 520.

AN ACT TO CHANGE THE NAME OF SLADE'S CREEK, IN HYDE COUNTY, TO SLADE'S RIVER, AND TO PROHIBIT FISHING WITH DRAG NETS IN SAID RIVER AND IN FORTESCUE'S CREEK, IN SAID COUNTY.

- Preamble. Whereas the natural water course known as Slade's Creek, in Hyde County, is a stream of sufficient magnitude and importance to be designated as a river, being entitled to this dignity by reason of its length, width, depth and commercial importance; and
- Preamble. whereas the run of fish in said water course and in Fortescue's Creek, in said county, has been greatly hindered by excessive use of drag nets, to the great loss and inconvenience of the citizens of Hyde County: now, therefore,
- The General Assembly of North Carolina do enact:*
- Name changed. SECTION 1. That the name of Slade's Creek, in the county of Hyde, be and the same is hereby changed to Slade's River, and by such name the said water course shall in future be designated in all official maps, records, laws and other official documents authorized by the State of North Carolina.
- Fishing with drag nets forbidden. SEC. 2. That fishing with drag nets be and the same is hereby prohibited in said river and tributaries and in the waters of Fortescue's Creek, in said county.
- Misdemeanor. SEC. 3. That any violation of the provisions of this chapter, relating to the manner of fishing, above provided for, shall be a mis-

demeanor and shall be punished by a fine not exceeding the sum of fifty dollars or imprisonment for not more than thirty days, in the discretion of the court.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 521.

AN ACT TO REGULATE THE TAKING OF CLAMS IN MASONBORO SOUND, IN THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to use any rake or other instrument with more than two prongs for the purpose of taking clams from any natural oyster rock or the other waters of Masonboro Sound, in the county of New Hanover, between what is known as Fowler's Landing to Cockle Shell Point, in said county, a distance of about one mile. Use of instruments regulated.

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. Punishment.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 522.

AN ACT FOR THE RELIEF OF OWNERS OF LIVE STOCK IN A PORTION OF TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the owners of live stock, with necessary help, shall have the right to go upon the unenclosed premises of persons or corporations in South Fork Township and in that part of Columbia Township situated on the south side of the public road known as the Cross Landing Road, in Tyrrell County, and Right to enter unenclosed premises. Territory. Purpose of entry.

kill or otherwise obtain rightful possession of same when the same shall be running at large upon unenclosed premises in the territory above named.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 523.

AN ACT TO VALIDATE THE ACTS OF GEORGE B. COOPER,
A JUSTICE OF THE PEACE IN GRIFFIN'S TOWNSHIP,
NASH COUNTY.

The General Assembly of North Carolina do enact:

Acts validated.

SECTION 1. That all acts done by George B. Cooper pertaining to his office as justice of the peace in Griffin's Township, Nash County, since his term expired, on the first day of December, one thousand nine hundred and eight, be and the same are hereby ratified and affirmed to the same extent as if he had been a legally appointed justice of the peace.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 524.

AN ACT RELATING TO THE SALE OF REFRESHMENTS AT
ALL STATE HIGH SCHOOLS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Sale of refreshments under control of trustees.

SECTION 1. That the sale of refreshments at all entertainments at all State high schools in Alamance County that are for the benefit of said schools shall be under the exclusive control of the trustees of said schools.

Putting up stands and selling without consent of trustees forbidden.

SEC. 2. That it shall be unlawful for any person not connected with the said schools to put up stands, tents or other places of business at or near said schools and sell such refreshments without first getting the written consent of at least three members of the board of trustees.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 525.

AN ACT TO AMEND CERTAIN SECTIONS OF THE REVISAL OF 1905 OF NORTH CAROLINA AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907 OF NORTH CAROLINA, BEING PARTS OF THE PUBLIC-SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and eighty-two of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out all of said section after the word "board," in line nine thereof.

Salary of superintendent in Iredell county.

SEC. 2. That section four thousand and eighty-nine of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by inserting after the word "chapter" and before the word "and," in line six thereof, the following: "and he is hereby authorized to have printed, as other public printing, and distributed, such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education."

Educational bulletins.

SEC. 3. That section four thousand and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by adding at the end of said section the following words: "*Provided*, that the State Board of Education may deduct annually from said appropriation or from any other appropriation out of the State Treasury for public schools an amount not to exceed one thousand two hundred dollars, to be used in part payment of the salary and expenses of the Superintendent of the State Colored Normal Schools and inspector and director of the county institutes and teacher-training work of the State, to be paid by the State Treasurer only upon the warrant of the State Auditor, issued upon the requisition of the State Superintendent of Public Instruction."

Proviso: salary of superintendent of colored normal schools and director of county institutes.

SEC. 4. That section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by inserting after the word "district," in line four thereof, the following words: "in whose name real estate in such district is listed in the tax lists of the current fiscal year"; and by adding at the end of said section the following words: "Upon petition of one-half of the qualified voters residing in any special-tax district established under this section, endorsed and approved by the county board of education, the board of county commissioners shall order another election in said district for submitting the question of revoking said tax and abolishing said district, to be held under the provisions prescribed in this section for holding other elections: *Provided*,

Petitioners for special-tax districts.

Petition for second election.

Proviso: election for revocation of tax.

that no election for revoking a special tax in any special-tax district shall be ordered and held in said district within less than two years from the date of the election at which the tax was voted and the district established, nor at any time within less than two years after the date of the last election on said question in said district; and if at such election a majority of the qualified voters in said district shall vote 'Against Special Tax,' said tax shall be deemed revoked and shall not be levied, and said district shall be discontinued: *Provided further*, that the provisions for ordering a new election to revoke a special tax in any special-tax district shall not apply to elections in such districts for increasing or restoring the special-tax levy in such district, which elections may be ordered and held at any time in accordance with the provisions of this section for establishing new special-tax districts."

Proviso: elections for increase or restoration of tax.

Election of county boards of education.

Terms of office.

Election of successors.

Proviso: counties excepted.

Eligibility.

Vacancies.

Appropriation for county institutes.

SEC. 5. That section four thousand one hundred and nineteen of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended as follows: Strike out all in lines one, two, three, four, five, six and seven thereof, and all in line eight down to and including the word "qualified," and insert in lieu thereof the following words: "The General Assembly of one thousand nine hundred and nine shall appoint three men in each county, who shall constitute the county board of education, one for a term of office of two years, one for a term of office of four years and one for a term of office of six years. The term of office of each shall begin on the first Monday in July next succeeding his appointment. Each succeeding General Assembly, at its regular session, shall appoint one member of the county board of education in place of the member whose term of office expires on the first Monday in July next succeeding that meeting of the General Assembly, and his term of office shall continue for six years from the first Monday in July next succeeding his appointment and until his successor is duly appointed and qualified: *Provided*, that the provisions of this section shall not apply to those counties in which the county boards of education were at the general election of one thousand nine hundred and eight elected by a vote of the people. No person shall be eligible as a member of the county board of education who is not known to be a man of intelligence, of good moral character, of good business qualifications and heartily in favor of public education." Strike out, in line thirteen thereof, the words "the three." between the words "appoint" and "mem-" and in lieu thereof insert the words "one or more"; strike out, in line fifteen thereof, the following words: "or any one or more of such members," between the words "vided" and "such," in said line.

SEC. 6. That section four thousand one hundred and sixty-seven of the Revisal of one thousand nine hundred and five of North

Carolina be and the same is hereby amended by striking out the word "may," before the word "biennially," in line two thereof, and inserting in lieu thereof the word "shall."

SEC. 7. That section four thousand one hundred and seventy-nine of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by adding at the end thereof the following words: "*Provided further, that any* Proviso; surplus of fund for enlargement of libraries to be used in establishing libraries. balance of the biennial appropriation of two thousand five hundred dollars for the enlargement of libraries remaining in the hands of the State Treasurer at the end of each biennial period shall be used for the establishment of new libraries in accordance with the provisions of section four thousand one hundred and seventy-two of the Revisal of one thousand nine hundred and five of North Carolina."

SEC. 8. That chapter eight hundred and twenty of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by striking out all of section nineteen thereof. Appropriation for teachers' training school.

SEC. 9. That chapter eight hundred and ninety-four of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by striking out all of section ten thereof and adding at the end of section one thereof the following: "Upon petition of a majority of the parents of the children of school age in any school district or township of any county, the county board of education of such county may in its discretion order compulsory attendance upon the school or schools named in such petition or upon all the schools in the township Application of compulsory school law.

named, as provided for in this act. Whenever it shall appear from the certificate of the county superintendent of public instruction of any county that the enrollment in any school in any school district in said county for the preceding school year was less than sixty per cent, or that the average daily attendance upon said school was less than thirty-five per cent of the school census of said district, the county board of education of the county in which such school is located, without petition or election, shall have the power in its discretion to order compulsory attendance upon such school under the provisions of this act." Compulsory attendance on petition.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed. Establishment of compulsory law without petition.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 526.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF UNION COUNTY TO ISSUE BONDS TO BUILD, MACADAMIZE AND IMPROVE THE PUBLIC ROADS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Purpose of issue. Bond issue authorized.	SECTION 1. That for the purpose of building, macadamizing and otherwise improving the public roads of Union County, the board of commissioners of said county is hereby authorized and empowered and directed to issue bonds of the county to an amount not exceeding two hundred thousand dollars (\$200,000), of the denominations not to exceed one thousand dollars, bearing interest from the date thereof not exceeding five per cent per annum, with interest coupons attached, payable annually at such time and place as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable 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 said bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their face value.
Amount.	
Denominations.	
Interest.	
Maturity.	
Proviso: bonds not to be sold below par.	
Authentication.	SEC. 2. The bonds and coupons shall be numbered and signed by the chairman of said board of commissioners and countersigned and attested by the treasurer of said county and bear the corporate seal of said county of Union.
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 dates of sale and issuing of each bond, and its number.
Special tax.	SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and 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 Union or other authorities vested with the levying of 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 purposes 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 Union for the purpose of road improvement, and including all expenditures made neces-
Constitutional equation. Proviso: limit of tax rate.	

sary by this act, a tax greater in amount than twenty-five (25) cents upon the hundred dollars' worth of property and seventy-five (75) cents on each poll.

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. Taxes kept separate.
Specific appropriation.

SEC. 6. That it shall be the duty of the board of commissioners for the county of Union 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. Investments of sinking fund.

SEC. 7. That any moneys of said sinking fund so loaned shall have the legal rate of interest in North Carolina, and any interest from said fund shall be annually invested in the same way. Interest on sinking fund.

SEC. 8. That the money arising from the sale of said bonds shall be used to purchase improved road-working machinery, to survey, 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. Use of proceeds of bonds.

SEC. 9. That all public roads in said county shall be located where they should permanently remain, shall be made as straight as practicable, and shall be macadamized only after having been graded to a grade of less than three per cent. Location and grade of roads.

SEC. 10. 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 board of commissioners and the treasurer of said county, the proceeds of which shall be applied to the purposes as herein provided for. Deposit of bonds.

SEC. 11. That the moneys received from the sale of said bonds and all other moneys raised under any provision of this act for road-working purposes shall be expended proportionately for the building, macadamizing and otherwise improving the public roads in each of the several townships in Union County, according to the ratio of the amount of property listed for taxation in the township to that of the total amount of property listed for taxation in the county. Apportionment of road funds.

SEC. 12. For the purpose of ascertaining the wishes of the voters of Union County upon the question of issuing bonds and improving the roads as is provided in this act, an election shall be held in all the voting precincts in said county of Union at such time as said board of commissioners shall designate and appoint. At Election to be called.
Tickets.

Law governing election.	said election all qualified voters in said county may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For Good Roads" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against Good Roads" written or printed thereon; and if a majority of the qualified voters at said election shall vote for good roads, then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore contained. The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as otherwise provided in this act. The registration books shall be opened for the registration of voters for the same length of time prior to said election and under the same laws as govern general elections. The registrars and judges of election shall be appointed by the commissioners of Union County at least forty days before the said election, and the list of persons so appointed shall be published for two weeks next succeeding this appointment in some newspaper published in Union County. There shall be appointed one registrar and two judges of election for each precinct, and if practicable to do so the commissioners shall appoint one judge of election favorable to good roads and one opposed thereto, and said registration and election shall be held in all respects like the elections for members of the General Assembly are held, except as otherwise provided in this act. At the close of the election in each precinct the votes shall be counted and returned, over the signatures of the registrar and judges of election, to the board of county commissioners. Abstracts or blanks for this purpose shall be prepared by the board of county commissioners and furnished to each precinct, and the registrar or one judge of election shall be chosen as a messenger to transmit the said returns to the board of commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted, as aforesaid, to the board of commissioners, one copy to the clerk of the Superior Court of said county and one copy retained by the registrar of each precinct. On the first Monday succeeding the election the commissioners of Union County shall meet as a canvassing board and shall receive the returns of said election, canvass and judicially pass upon the same, and declare the result of the election. If a majority of the voters of Union County qualified to vote at said election shall have voted "For Good Roads," then the bonds provided for in this act shall be issued and sold.
Registration.	
Appointment of registrars and judges.	
Count and return of votes.	SEC. 13. That this act shall not be construed as repealing any road law now in force and effect in the said county of Union until ratified by the people as herein provided, and then only in so far as such road law or any part thereof may be repugnant to any part of this act.
Blanks for returns.	
Returns in triplicate.	
Canvass of returns.	
Effect on former laws.	

SEC. 14. That if a majority of the voters of Union County qualified to vote at the election hereinbefore provided for shall fail to vote for good roads at such election, then and in that event the same question may again be submitted to the voters of Union County, by order of the board of commissioners for the county of Union, at such time or times as said board of commissioners shall designate and appoint in any subsequent year thereafter: *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 Good Roads," then no further election shall be held on said question, but the board of commissioners of said county of Union shall proceed to issue and sell the bonds of said county, to an amount not exceeding two hundred thousand dollars (\$200,000), in the manner and for the purpose specified hereinbefore. Such elections shall be held in the manner provided by law for the election of members of the General Assembly. The registration books shall be open for registration of voters for the same length of time prior to such election and under the same laws as govern general elections, except as otherwise provided in this act. The Board of Commissioners of Union 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. 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 Union. 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 Union, one copy to the clerk of the Superior Court of said county, and one copy shall be retained by the registrar. On the Monday next succeeding the election the board of commissioners for the county shall meet as a canvassing board and shall receive the said returns of said election, shall canvass and judicially pass upon the same, and shall declare the result of the election. If a majority of the voters of Union County qualified to vote at such election shall have voted "For Good Roads," then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore set forth.

Further elections.

Proviso: no further election if majority favor good roads.

Law governing elections.

Registration.

Appointment of registrar and judges.

Count and return of votes.

Blanks for returns.

Returns in triplicate.

Canvass of returns.

SEC. 15. That when the board of commissioners for the county of Union shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no other road tax than that provided for in this act, then the chain gang

No further road tax if bonds are issued.

Chain gang.

Free labor not required.

heretofore established for Monroe Township, in said county, shall be a chain gang for the entire county of Union, and no free labor on the roads of said county shall thereafter be required under the provision of section thirteen, chapter two hundred and thirty-one of the Public Laws of one thousand eight hundred and ninety-seven, or any other act.

Control of chain gang.

SEC. 16. That should the bonds hereinbefore provided for be voted, issued and sold, the chain gang for the county, as provided in section fifteen of this chapter, shall be under the supervision of the county commissioners of said county, but shall be subject to the same laws, rules and regulations as now govern the chain gang for Monroe Township. The property of the Monroe Township chain gang may be disposed of by the chain-gang commissioners, and the money received for the same and all other moneys belonging to the road fund of said township shall be used for the improvement of roads in said township.

Sale of property of Monroe township.

Secretary of state to send copy of act.

SEC. 17. That immediately after the passage of this act the Secretary of State shall send a certified copy of the same to the Register of Deeds of Union County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 527.

AN ACT TO AMEND SECTION 2777 OF THE REVISAL OF 1905, RELATING TO SHERIFF'S FEES IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Allowance to sheriff.

SECTION 1. That section two thousand seven hundred and seventy-seven, Revisal of one thousand nine hundred and five, be amended by adding at the end of said section the following: "The Sheriff of Dare County shall be allowed his actual traveling expenses incurred by him in serving warrants, capiases or other criminal processes on the waters of Dare County or at any point in Dare County across the water."

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 528.

AN ACT TO AMEND SECTION 1 OF CHAPTER 228 OF THE
PUBLIC LAWS OF 1907.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter two hundred and twenty-eight of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out all of said section after the word "same," in line three thereof, and inserting in lieu thereof the following, to-wit: "in the middle of the road, within fifteen days from the day of cutting." Time for leveling dirt thrown into roads.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 529.

AN ACT TO AUTHORIZE JOHN R. MILLIKEN, LATE SHERIFF
OF CHATHAM COUNTY, TO COLLECT BACK TAXES.*The General Assembly of North Carolina do enact:*

SECTION 1. That John R. Milliken, late Sheriff of Chatham County, be and he is hereby authorized and empowered to collect all arrearages of taxes due by persons in said county of Chatham for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, under existing laws, with full power to levy and distrain for taxes under the law in force in said years, in all respects as if said taxes were now due. Collection of arrears authorized.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 530.

AN ACT TO PROTECT QUAIL IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt or shoot quail in the county of Chatham between the fifteenth day of February and the twentieth day of November in each year. Close season.

Misdemeanor.
Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 531.

AN ACT TO CREATE A BOARD OF ROAD COMMISSIONERS FOR BANNER TOWNSHIP, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
named.

Terms of office.

Election of
successors.

Vacancies.

Board to have
control of road
work.
Powers.

SECTION 1. That C. T. Johnson, N. T. Ryals and E. L. Hall be and they are hereby created, declared and constituted a board of road commissioners for Banner Township, Johnston County. The terms of office of the said commissioners shall be as follows: C. T. Johnson, from the first day of May, one thousand nine hundred and nine, one year; N. T. Ryals, from the first day of May, one thousand nine hundred and nine, two years; E. L. Hall, from the first day of May, one thousand nine hundred and nine, three years, or until their several successors shall be duly elected and assume the duties of their office. It shall be the duty of the said Board of Road Commissioners of Banner Township, Johnston County, to meet on the first Monday in May in each year and elect a successor to the retiring member, who shall hold his office for three years. Should any vacancy occur in said board, from death, resignation or other cause, the remaining members may at any time meet and elect some suitable person to fill such vacancy.

SEC. 2. That said board of road commissioners shall have complete control of the working of all the public roads in Banner Township, and shall have power to change the location of any road or discontinue any road or part thereof which they may deem necessary, to employ a superintendent and fix his salary, to employ necessary guards to keep in custody and work on the said roads all such persons as have already been sentenced and all such persons as may be hereafter sentenced to work on the public roads of Johnston County, to provide for the working of said convicts on said roads to the best advantage, to do any and all things necessary to be done for the maintenance and betterment of the public roads in said township.

SEC. 3. That the said board of road commissioners shall hold Meetings of board. their meetings at a time and place to be designated by the chairman or at the request of any two members of said board. The said board shall keep a full and true account of all its Record of proceedings, showing its receipts and disbursements, the number of persons employed, and other matters in any way connected with or relating to the working of said roads. The said books Safe-keeping of record. shall be left with the treasurer herein provided for, and shall at all times be subject to the inspection of any taxpayer of Banner Township.

SEC. 4. That the said board of road commissioners, at its Election of treasurer. first meeting, shall appoint some person or corporation as treasurer of the Banner Township road fund. The person or corporation so designated shall give a bond, in such form and amount Bond of treasurer. as shall be required by the said board, payable to said board, for the faithful performance of his or its duties as treasurer and for the faithful holding and disbursing of the said funds in accordance with orders and directions of the said board. His Compensation. compensation for his services shall not exceed five per centum of disbursements of the said road funds.

SEC. 5. That the members of the said board of road commissioners shall receive as compensation for their services not exceeding the sum of two dollars per day while actually engaged in the performance of their duty. Compensation of commissioners.

SEC. 6. That for the purpose of raising funds to carry the provisions of this act into effect the Board of Commissioners of Johnston County shall, at its meeting in April, one thousand nine hundred and nine, and annually thereafter, levy a tax Road tax to be levied. Rate. not exceeding twenty-five cents on each one hundred dollars' worth of property in said township and seventy-five cents on each poll, said tax to be collected by the Sheriff of Johnston County Collection of tax. as other taxes are collected, and by him paid to the treasurer of said road fund, without fees for disbursement.

SEC. 7. That it shall be lawful for the several judges of the Superior Court of the State, for the justices of peace of Johnston County and the mayor of the town of Benson to sentence Convicts to be sentenced to road work. persons convicted in their several courts to work on the public roads of said county, and when so sentenced such convicts may be worked on the public roads of Banner Township, in said county.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 532.

AN ACT TO AMEND SECTIONS 2055, 2773 AND 2776 OF THE
REVISAL OF 1905.*The General Assembly of North Carolina do enact:*Franklin
stricken out.

SECTION 1. That section two thousand and fifty-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out, in lines nine and ten of said section, the word "Franklin."

Franklin
stricken out.

SEC. 2. That section two thousand seven hundred and seventy-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out of the thirty-third line, on page eight hundred and twenty-seven of volume one of the Revisal, the word "Franklin."

Franklin
stricken out.

SEC. 3. That section two thousand seven hundred and seventy-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out, in line thirteen thereof, the word "Franklin."

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 533.

AN ACT TO AMEND SECTIONS 2 AND 5 OF CHAPTER 341
OF THE PUBLIC LAWS OF 1899.*The General Assembly of North Carolina do enact:*Cotton weigher
to mark bales.

SECTION 1. That section two of chapter three hundred and forty-one of the Public Laws of one thousand eight hundred and ninety-nine be amended by adding after the word "damage," at the end of said section, the following: "and said cotton weigher shall place on each bale of cotton weighed by him such mark or marks as he may be directed to place thereon by the purchaser of said bale of cotton."

Compensation of
weigher.

SEC. 2. That section five of chapter three hundred and forty-one of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out all of said section after the word "sale," in the third line thereof, and adding in lieu thereof the following: "and shall receive a compensation of ten cents for each

bale of cotton weighed and marked, five cents of said sum to be paid by the purchaser and five cents of said sum to be paid by the seller of said bale of cotton."

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 534.

AN ACT TO REGULATE HUNTING IN SYLVA TOWNSHIP, IN JACKSON 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 on any lands of another within the bounds of Sylva Township, in Jackson County, without first obtaining a license from the Clerk of the Superior Court of Jackson County, issued as hereinafter provided, and the written permission of the owner or agent of said lands.

Hunting without
license forbidden

Written per-
mission of land-
owners.

SEC. 2. That it shall be the duty of the Clerk of Superior Court of Jackson County to issue a license to hunt on the lands of another within the bounds of Sylva Township, said county, upon the applicant paying the sum of one dollar for each license, said license to be good for one year from the date of issue thereof, and the clerk of Superior Court may charge a fee of twenty-five cents as a fee for issuing said license, to be paid by the applicant.

Clerk of superior
court to issue
license.

License fee.

Fee for issuing

SEC. 3. That it shall be the duty of the clerk of court of Jackson County to keep a record in his office, in which he shall record the name, the date of issue and the date of the termination of each hunting license issued by him to persons under the provisions of this act, and he shall make payment of the total sum of license fees so collected by him to the treasurer of the school fund of Jackson County on the first Monday of January of each and every year, and shall make a report of the hunting license fees so collected in his regular annual report.

Record of
licenses.

Payments to
treasurer.

Report of license
fees.

SEC. 4. That nothing herein shall be construed to affect in any way the general law now enacted or which may hereafter be enacted requiring license or tax from nonresident hunters.

General law
applicable.

SEC. 5. That any and all the townships in said county may come within the provisions of this act upon the filing with the board of county commissioners of said county application or petition, in writing, signed by a majority of the freeholders of said

Townships
included on
petition of
majority of voters

Certificate to
clerk of court.

Removal of quail
from county
forbidden.

Misdemeanor.

Punishment.

township, which application or petition shall be placed on record by said board of commissioners, together with the finding of fact by said board of county commissioners as to the majority of the freeholders in such township so signed to said application or petition, and if it is found that a majority of the freeholders in said township favor coming under the provisions of this act the said board of county commissioners shall declare the said territory under the provisions of this act and shall certify the same to the Clerk of the Superior Court of Jackson County, who shall be governed by section three of this act.

SEC. 6. That any person removing from Jackson County any quail shall be subject to the penalties of section seven of this act.

SEC. 7. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall upon conviction thereof be fined ten dollars or imprisoned not more than thirty days.

SEC. 8. That all laws and clauses of laws conflicting with this act be and the same are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 535.

AN ACT TO PROTECT PROPERTY OWNERS ON AHOSKIE SWAMP, IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Netting or
trapping or felling
trees into or across
run of swamp
forbidden.
Territory.

SECTION 1. That it shall be unlawful for any person or persons to net or trap fish in or to fell trees across or into the run of Ahoskie Swamp, in Hertford County, from a point on said swamp known as Bonner's bridge to a point known as the Stony Creek bridge, without first obtaining the written permission of the property owners and adjacent property owners along said swamp, within the boundary herein set out.

Misdemeanor.
Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 536.

AN ACT TO PROTECT GAME IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to trap, take, catch, shoot or kill or in any manner destroy any quail or partridge for two years from and after the ratification of this act. Protection of partridge or quail for two years.

SEC. 2. That it shall be unlawful for any person to sell or offer for sale any quail or partridge for two years from and after the ratification of this act, and the possession of any quail or partridge within said two years by any person shall be *prima facie* evidence of the violation of this section. Selling or offering for sale forbidden. Possession prima facie evidence.

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 more than fifty dollars (\$50) or imprisoned not more than thirty (30) days. Misdemeanor. Punishment.

SEC. 4. That this act shall apply only to the county of Mecklenburg, and this act shall not be construed to repeal any law or clauses of laws relative to protection of game in Mecklenburg County, except as the same are inconsistent with the provisions of this act. Application and construction of act.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 537.

AN ACT TO PROTECT FUR-BEARING ANIMALS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to shoot any otter or muskrat upon any of the marsh lands on the east side of Currituck Sound, after sundown and before sunrise, between the first day of October and the thirty-first day of March in each year. Close season for otter and muskrats.

SEC. 2. That the violation of any of the provisions of this act shall be a misdemeanor, and upon conviction the defendant shall be fined not less than twenty-five dollars nor more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 538.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS FOR TYRRELL AND DARE COUNTIES AND TO PROVIDE AN ADDITIONAL WEEK OF SUPERIOR COURT FOR TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Times for holding court. SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be and is hereby amended as follows: "The times for holding the Superior Courts of Tyrrell and Dare counties shall be as follows:

Tyrrell county. "Tyrrell County—Eighth Tuesday after the first Monday in March, to continue one week; tenth Tuesday after first Monday in September, to continue two weeks.

Dare county. "Dare County—Ninth Tuesday after the first Monday in March; ninth Tuesday after the first Monday in September."

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 539.

AN ACT TO REGULATE HUNTING WILD FOWL IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Shooting regulated. SECTION 1. That it shall be unlawful for any person or persons to hunt or shoot ducks or other wild fowl from batteries, gasoline boats or in any way force ducks on the wing in the following-described territory in Dare County: Beginning at Nag's Head wharf and running to Croatan lighthouse; thence a north course to the Dare and Currituck line; thence an eastwardly course along said line to the head of the Kitty Hawk Bay; thence with the various meanderings of said bay, Colington and Nag's Head shores to the place of the beginning.

Territory. SEC. 2. That it shall be unlawful for any person or persons to shoot in any way within the boundaries above named on Wednesdays and Saturdays of each week.

Close days. SEC. 3. That it shall be unlawful for any person or persons to shoot from any bush blind within said boundary, except the same be owned by him, or by the permission of the owner of such blinds as may be erected.

Shooting from bush blinds.

SEC. 4. That it shall be unlawful to shoot any gun, pistol, rifle or other firearm within said boundaries between sunset and sunrise on any day between the first day of November and the thirty-first day of March of each year. Shooting between sunset and sunrise forbidden.

SEC. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars (\$50) or imprisoned not more than thirty days, in the discretion of the court. Misdemeanor. Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 540.

AN ACT REGULATING FISHING IN WATERS OF ALBEMARLE SOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and twenty-nine of the Revisal of one thousand nine hundred and five be amended by leaving out the words "oyster commissioner" whenever they occur and inserting in lieu thereof the words "fish commissioner," and by repealing all after the word "year," in line sixteen, and inserting the following in lieu thereof: "That any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, in the discretion of the court." Fish commissioner.
Violation of section misdemeanor. Punishment.

SEC. 2. That section two thousand four hundred and thirty-nine of the Revisal of one thousand nine hundred and five be amended by leaving out, in line thirteen, the words "in a due north and south course" and inserting in lieu thereof the words "at right angles to the shore," and by leaving out, beginning in line twenty-one, "to be recovered," and ending with "of the violators," in line twenty-five. Dutch or pound nets in Albemarle sound and tributaries.

SEC. 3. That section two thousand four hundred and forty of the Revisal of one thousand nine hundred and five be amended by striking out the section and inserting the following in lieu thereof: "If any person shall 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 lighthouse, at a distance more than five hundred yards from the Nets in vicinity of Roanoke marshes lighthouse, Roanoke island and Croatan and Pamlico sounds.

shore of Roanoke Island or the mainland on the western side of Croatan and Pamlico sounds, except that on the western side of Pamlico and Croatan sounds fishing shall be permitted in that territory extending one thousand yards from the shore, beginning at the two-and-one-half-mile limit heretofore defined and extending to the southern end of the Roanoke Marshes, on the Pamlico Sound side, and to the north end of the same marshes on the Croatan side, but in neither case shall the nets within this one-thousand-yard limit be within one and one-quarter miles in any direction from the Roanoke Marshes lighthouse; or shall set or fish any pound or dutch net on the eastern side of Pamlico Sound within ten miles of the Roanoke Marshes lighthouse, except such as shall be fished within one thousand yards of Roanoke Island or Hog Island shores; or shall 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 (magnetic) from Big Island to a point on the twelve-foot curve westerly of Chicamacomico or south of said point more than two thousand yards from the twelve-foot curve, as marked on the chart of the Coast and Geodetic Survey, corrected from data obtained to November twenty-second, one thousand nine hundred and four; or shall 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; or shall set or fish any pound or dutch net in Croatan Sound further from the shore than one-fifth of the width of said sound at that point; or shall set or fish any net, seine or appliance of any kind for catching fish at any place within the area of one-sixth the width of the sound or river on either side of a line passing through the middle of the channel of Croatan Sound and the middle of Albemarle Sound, up Chowan River as far as Cannon's ferry, and other tributaries of Albemarle Sound (provided, this clause does not apply to seines used on the rivers); or shall 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 the shore than one-third of the width of said river, at the place where said nets are fished or set, or within one-fourth mile of any wharf used by a steamer on said river; or shall set or fish any net or appliance of any kind for catching fish within one mile on either side of a line running westerly or southwesterly from the center of New Inlet to an intersection with the line extending from Big Island southwest (magnetic), or within one mile on either side of a line running westerly or southwesterly from the center of Oregon Inlet to a point two thousand yards west of the continuation of the said line running from Big Island south-southeast (magnetic), or within one mile on either side of a line six miles long running from the center of Hatteras Inlet in a northwesterly direction, these restricted areas to include the chan-

Restricted area in
Albemarle sound
and Chowan river.

Restricted areas in
vicinity of Oregon,
New and Hatteras
inlets.

nels extending from Oregon, New and Hatteras inlets, respectively, he shall be guilty of a misdemeanor and be fined not less than fifty dollars or imprisoned not less than thirty days, in the discretion of the court. The provisions of this section shall apply only to that part of each year in which shad and herring fishing are permitted by law in the several waters, except that in Albemarle and Croatan sounds the provisions of this section shall apply for the entire year, as far as it relates to pound nets. The fish commissioner is authorized, in determining the boundaries of the restricted areas on either side of Roanoke Marshes, to run straight lines from the stake two thousand yards from the shore in the two-and-one-half-mile radius from Roanoke Marshes lighthouse to the stake five hundred yards eastward from the point of Roanoke Marshes, and shall run straight lines from the stake one-fifth the width of Croatan Sound in the two-and-one-half-mile radius from Roanoke Marshes lighthouse south to the stake five hundred yards from the eastward point of Roanoke Marshes; that the boundary lines marking the restricted areas in these sounds shall be run in straight lines from stake to stake, located at certain points, but said stakes not to be in any case more than three miles apart. The places of trial for offenses under this section shall be the county opposite where the act was committed.

Time of restriction.

Fish commissioner to determine boundaries.

SEC. 4. That chapter nine hundred and forty-eight of the Laws of one thousand nine hundred and seven be amended by inserting at the end of section four the following: "*Provided*, that this chapter shall only apply to that part of the year beginning January fifteenth and ending May fifteenth."

Time of restriction.

SEC. 5. That chapter nine hundred and seventy-seven be amended by adding to section seven the following: "*Provided*, that permits to take fish as aforesaid will not be valid unless signed by the Commissioner of the United States Bureau of Fisheries and the Fish Commissioner of the State."

Proviso: permits to take fish.

SEC. 6. Amend section eleven, chapter nine hundred and seventy-seven, Public Laws of one thousand nine hundred and seven, by inserting the words "for commercial purposes" between the word "fishing," in line two, and the word "in," in line three, and by inserting the words "within thirty days" between the word "pay," in line seven, and the word "to," in line eight, and by striking out the words "and an additional fee of twenty-five cents for issuing said license and receiving said tax." Amend section thirteen, chapter nine hundred and seventy-seven, Public Laws of one thousand nine hundred and seven, by adding after the word "month," at the end of said section, the words "less five per cent commissions for collections."

License to fish.

Fee for issuing license abolished.

Sheriff's commissions.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 541.

AN ACT TO PROHIBIT THE ILLEGAL SALE OF LIQUOR IN
BURKE COUNTY.*The General Assembly of North Carolina do enact:*Keeping liquor
for sale a mis-
demeanor.

SECTION 1. That if any person, firm, company or corporation, other than duly licensed druggists carrying on business according to law, shall keep for sale, bargain, barter, exchange or disposition, for gain, any spirituous, vinous or malt liquors or intoxicating bitters within any city, town or township within the county of Burke, he or it shall be guilty of a misdemeanor.

Possession of
more than 2½
gallons prima
facie evidence of
keeping for sale.

SEC. 2. That if any person, company, firm or corporation, other than duly licensed druggists, as mentioned in the preceding section, shall keep in his or its possession or under his or its control any spirituous, vinous or malt liquors or intoxicating bitters to the quantity of more than two and one-half gallons, within any city, town or township in the county of Burke, it shall be *prima facie* evidence of his or its keeping such liquors or bitters for sale, within the meaning of this act: *Provided*, section two of this act shall not apply to the State Hospital, the School for the Deaf, Broad Oaks Sanatorium or Grace Hospital, in said county, when so held or kept in excess of two and one-half gallons for medical purposes.

Proviso: excep-
tions.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 542.

AN ACT TO REGULATE PAYMENT OF JURORS IN HENDER-
SON COUNTY.*The General Assembly of North Carolina do enact:*

Regular jurors.

SECTION 1. That all regular jurors drawn and summoned and not relieved from service shall receive one dollar and fifty cents per day and no mileage, and all talesmen who are summoned and serve shall receive one dollar per day, without mileage; all veniremen who are summoned and serve shall receive one dollar and fifty cents per day and no mileage, and all veniremen who are summoned and appear, but do not serve, shall receive one dollar per day for one day only, and no mileage.

Talesmen.

Special venire-
men.Application of
act.

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

SEC. 3. That all laws in conflict herewith are repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 543.

AN ACT TO REGULATE THE HUNTING OF QUAIL, PARTRIDGES, WILD TURKEYS AND OTHER GAME BIRDS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

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

SEC. 2. That all owners of bird dogs shall be required to con- Bird dogs to be fine them and not allow said bird dogs to run at large during the confined. months of May, June, July and August in each year.

SEC. 3. That any person or persons violating the provisions of Misdemeanor. this act shall be guilty of a misdemeanor and fined or imprisoned, Punishment. or both, in the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 544.

AN ACT FOR THE RELIEF OF S. A. CHOATE, EX-SHERIFF OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That S. A. Choate, ex-Sheriff of Alleghany County, Collection of be and he is hereby authorized to collect all arrearages of taxes arrears author- for said county for the years one thousand nine hundred and five ized. and one thousand nine hundred and six, under same rules and Years. regulations now provided by law for the collection of taxes for said county.

SEC. 2. That no person shall be compelled to pay any tax under Persons not com- this act who holds a sheriff's tax receipt for said tax or who shall pelled to pay. make affidavit that said tax has been paid, nor shall any purchaser for value or mortgagee without notice of such arrearages of taxes due on the land be compelled to pay any arrears of tax under this act.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 545.

AN ACT TO REGULATE THE PAY OF THE BOARD OF
EDUCATION OF DURHAM COUNTY.*The General Assembly of North Carolina do enact:*

Per diem.

SECTION 1. That each member of the Board of Education of Durham County shall receive three dollars (\$3) per day for services rendered the schools of said county, and mileage to and from place of meeting at the rate of five cents per mile: *Provided*, that no member of said board shall receive pay for more than thirty days' services during any school year.

Mileage.

Proviso: limit.

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

When act
effective.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 546.

AN ACT TO ALLOW THE REGISTER OF DEEDS OF PER-
SON COUNTY TO APPOINT A DEPUTY.*The General Assembly of North Carolina do enact:*

Appointment
authorized.
Qualifications
of deputy.
Deputy to be
sworn.

Term of office.

SECTION 1. That the Register of Deeds for Person County may appoint a deputy register of deeds, whose qualifications shall be the same as are required for the register of deeds, and who shall take and subscribe the oath prescribed for the register of deeds, and who shall continue in office during the term of the register of deeds making the appointment, unless removed by said register of deeds, or otherwise, according to law.

Record of
appointment.Copy to clerk of
superior court.

Record by clerk
of court.
Revocation of
appointment.

SEC. 2. That said register of deeds of said county shall, upon making such appointment, make a record of the same, showing the name of the appointee and the date of his appointment; and he shall deliver a copy or transcript of such record to the clerk of the Superior Court of said county, whose duty it shall be to make a record of the same, with proper index. Whenever such deputy register of deeds shall resign or be removed from office the register of deeds by whom he was appointed shall write on the margin opposite the record of his appointment in his office and in the clerk of the Superior Court's office the word "Revoked," giving the date, and sign his name thereto. A duly certified copy of such appointment or such revocation, under the hand and official seal of the register of deeds of said county, shall be deemed *prima facie* evidence of such appointment or such revocation, and shall be admitted as evidence in all the courts of the State.

Certified copies
evidence.

SEC. 3. That the said deputy register of deeds shall have full Powers of deputy. power to perform the duties of the office of register of deeds of said county and to do any and all official acts pertaining to said office that the register of deeds is required or empowered by law to do, and he shall in all respects be subject to same laws and penalties to which the register of deeds is subject.

SEC. 4. That the register of deeds shall be deemed cognizant of Responsibility of and held responsible for all official acts of any deputy register of register. deeds so appointed by him.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 547.

AN ACT AUTHORIZING USE OF A PORTION OF THE DISPENSARY FUND NOW IN THE HANDS OF THE COUNTY TREASURER OF JONES COUNTY TO REPAIR, ETC., THE PUBLIC-SCHOOL BUILDING IN No. 1 SCHOOL DISTRICT, IN TRENTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy-one of the Public Laws of one thousand nine hundred and seven be amended by adding after section three of chapter two hundred and seventy-one another section, as follows:

"Sec. 4. That the Treasurer of Jones County is hereby authorized and directed to pay, upon the order of the school committee of District Number One, white, in Trenton Township, Jones County, North Carolina, when properly countersigned by the county superintendent of public schools for said county, a sufficient amount out of the dispensary funds in his hands belonging to this district for the purpose of repairing, painting and equipping with desks the public-school building in said district used for the white race: *Provided*, the amount expended for said purpose shall not exceed eight hundred dollars (\$800)."

Appropriation for school equipment.

Proviso: limit.

SEC. 2. That all laws and clauses of laws in conflict with the above section are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 548.

AN ACT TO ADD POCKET TOWNSHIP TO GREENWOOD AND DEEP RIVER TOWNSHIPS, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Territory added
to and made part
of Greenwood
township.

SECTION 1. That the following-described territory in Pocket Township, Moore County, be and it is hereby added to Greenwood Township, in said county, and is made a part of said Greenwood Township, to-wit: Beginning at the northeast corner of Greenwood Township, in the line of Lee County and said Pocket Township, and running thence in a northerly direction with the Lee County line to where the north line of B. D. Caviness' land intersects with the Lee County line; thence in a due west course to the line of Deep River Township, in Big Governor's Creek; thence with Big Governor's Creek to the Carthage Township line; thence in an easterly direction with the Carthage Township line and the Greenwood Township line to the beginning.

Territory added
to and made part
of Deep river
township.

SEC. 2. That the remaining portion of Pocket Township situate in Moore County after the creation of Lee County be and the same is hereby added to Deep River Township and shall become a portion of said township.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 549.

AN ACT TO PREVENT THE FLOATING OF SAWDUST IN THE STREAMS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Floating sawdust
into streams
running into Cape
Fear river for-
bidden.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation operating any sawmill in Chatham County to float any sawdust or cause to be floated or carried any sawdust from such mill or mills in or into any creek or branch in said county that runs or empties into Cape Fear River, in said county.

Misdemeanor.
Punishment.

SEC. 2. Any person or persons or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court for each offense.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 550.

AN ACT TO AMEND SECTIONS OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That sections two thousand and one, three thousand three hundred and sixteen, three thousand three hundred and sixty-six, three thousand three hundred and sixty-seven and three thousand eight hundred and three of the Revisal of one thousand nine hundred and five be amended by making said sections apply to Carteret County. Sections extended to Carteret county.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 551.

AN ACT FOR THE PROTECTION OF QUAIL AND PARTRIDGES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The close season or time in each year during which quail and partridges shall not be shot, killed, wounded or in any manner hunted, taken or captured in Forsyth County, shall be from the first day of January to the twentieth day of November. Close season.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 552.

AN ACT RELATING TO FEES OF JURORS AND WITNESSES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all regular jurors in Wake County shall receive two dollars per day and mileage at the rate of five cents per mile, and all tales jurors shall receive one dollar and fifty cents per day: *Provided*, that all jurors summoned on special venires shall receive one dollar and a half a day and mileage, unless they act as jurors, in which event they shall receive two dollars per day and mileage. Regular jurors.
Tales jurors.
Proviso: special veniremen.

Fees unclaimed to be turned over to county fund.

SEC. 2. That all moneys due jurors and witnesses which shall remain in the hands of the Clerk of the Superior Court of Wake County on the first day of January, after the publication of the third annual report of the said clerk showing the same, shall be turned over to the treasurer of said county for the use of the county fund, and it shall be the duty of said clerk to indicate in his report any moneys so held by him for a period embracing the two annual reports.

Application of act.

SEC. 3. This act shall apply only to Wake County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 553.

AN ACT TO PROVIDE A LEGALIZED PRIMARY ELECTION FOR CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Candidates to be nominated by primary.

SECTION 1. That every political party, organization or association in Cleveland County naming or running a ticket for election at the general elections held every two years for the election of county officers and members of the General Assembly shall nominate its candidate on said ticket for those respective offices in the manner herein provided, and in no other way; and any political party, organization or association, or its agents, representatives or managers, offering a ticket for the purpose of having it voted by the electors at such general election for the said county officers and members of the General Assembly not nominated as herein provided shall be guilty of a misdemeanor, and for each and every offense shall be subject to a fine of not exceeding fifty dollars or imprisonment not exceeding thirty days: *Provided*, that nothing herein contained shall prevent any elector from changing, modifying, substituting or eliminating any part of his ticket in accordance with his own wishes, in the event that he has not bound himself otherwise by participating in the regularly held primary of some political party or organization or association.

Offering ticket not so nominated a misdemeanor.

Punishment.

Proviso: scratching tickets.

Date for primary.

Registrar and judges.

Advertisement.

SEC. 2. That the county executive committee or other governing body of every political party or organization or association desiring to run a county or legislative ticket in Cleveland County shall meet and fix a date for said primary and appoint a registrar and two judges for each voting precinct in the county, and provide rules and regulations for the holding of said primary, not inconsistent with this act, and notice shall be given through some newspaper published in said county of the date of said

primary for at least thirty days before same is held. Said notice shall also give the date of the opening and closing of the registration books for said primary, the opening and closing of the polls at said primary, together with the requirements for participation therein. The rules and regulations prescribed shall contain a requirement that every voter in the primary must have duly registered for said primary before the books closed, and bound himself to support all the nominees of the primary, and that no man shall vote in said primary who is not a qualified voter or will not become a qualified voter before the succeeding general election in November.

Rules and regulations.

SEC. 3. That said county executive committee or governing body of said party, organization or association shall require an entrance fee to be paid by each candidate for the various offices, according to the nature and emoluments of the office for which he is a candidate, and the said sums so received from the various candidates shall be used to defray the necessary expenses of registration and holding the primary, including the printing of tickets for the candidates. Every candidate entering his name for any office shall, in addition to paying the entrance fee, sign a pledge to conduct a decent campaign, not to use whiskey or money in buying votes, directly or indirectly, nor to practice any fraud to secure votes, and to abide the result of the primary and loyally support all of its nominees. Said executive committee or governing board shall also have power to provide that all candidates for State, congressional and judicial offices shall be voted for in Cleveland County in the same manner as the candidates for the county offices and members of the General Assembly, as herein provided.

Entrance fee from candidates.

Pledges from candidates.

Candidates for other offices may be voted on.

SEC. 4. That before entering upon the discharge of their duties the registrars and judges selected to conduct the primary election of any party, organization or association, as above provided, shall take an oath that he will fairly, impartially and honestly conduct the same, according to the provisions of this act and the rules and regulations of such party, organization or association not inconsistent herewith. Should one or more of the officers appointed to hold such election fail to appear on the day of election, the remaining officers shall appoint others in their stead and administer to them the oath herein prescribed. The officers shall take the oath herein prescribed before a notary public or other officer authorized to administer oaths, but if no such officer is present the registrars may administer the oaths to the judges. 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 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

Registrar and judges of election to qualify.

Vacancies.

Ballot boxes to be opened and exhibited.

Registration books.	ballots, and shall not again open same until the close of the election. They shall have the primary registration books, with the name of each voter qualified to vote in such election, and shall, before receiving any ballot, ascertain from the registrar if the voter is duly registered and qualified to vote, according to the rules of the party. Any voter who may be challenged shall be sworn and examined, under oath, touching his competency to vote in said primary and as to abiding the result thereof. At the close of the election they shall proceed publicly to count the votes and declare the result, and transmit such certificate, with the registration books 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. There shall be a party registration of voters, under regulations to be prescribed by the rules of the party, and the qualifications for voting in the primary elections so held shall be the same as for the general election, and in addition to this the obligation to support the nominees of the party, organization or association in whose primary the voter may participate.
Voters challenged to be sworn.	
Count of vote and declaration of result. Returns.	
Party registration.	
Majority of votes required to nominate.	SEC. 5. That no candidate shall be declared the nominee of any party, organization or association for any office unless he shall receive a majority of the votes cast in said primary for said office; and in the event that no candidate receives a majority of the votes cast for any office in the first primary, then a second primary shall be held within two weeks from the first one, under the same rules and regulations as the first primary, unless one of the opposing candidates should voluntarily withdraw from the race in the meantime: <i>Provided</i> , that only the two candidates receiving the highest number of votes for the respective offices in the first primary shall be eligible as candidates in the second primary.
Second primary.	
Proviso: candidates at second primary.	
Violation of duty by officers a misdemeanor.	SEC. 6. Any officer 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 imprisonment not to exceed six months; and any officer 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.
Punishment.	
Fraud or corruption a misdemeanor.	
Punishment.	
False swearing or impersonation perjury.	SEC. 7. 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.
Officers to perform duties.	SEC. 8. 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.

Delegates to carry out choice of party.

Failure or refusal to perform duty a misdemeanor.

SEC. 9. 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 and not more than fifty dollars for each offense.

Voting at primary of more than one party fraudulent.

Punishment.

Repeating a misdemeanor.

Punishment.

SEC. 10. 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: *Provided*, that the service referred to in line four of section ten of this act shall not include any public service promised for the good of the general public.

Attempt to influence vote by liquor and bribery or offer to bribe misdemeanors.

Punishment.

Proviso: service for good of general public may be rewarded.

SEC. 11. That this act shall apply only to Cleveland County.

Application of act.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 554.

AN ACT TO PROVIDE FOR THE INSPECTION OF ILLUMINATING OILS AND FLUIDS.

The General Assembly of North Carolina do enact:

SECTION 1. That all kerosene or other illuminating oils sold or offered for sale in this State for illuminating purposes shall be subject to inspection and test to determine the safety and value for illuminating purposes. All manufacturers, wholesalers and jobbers, before selling or offering for sale in this State any kerosene or other oil for illuminating purposes, shall file with the Commissioner of Agriculture a statement that they desire to do business

Oils subject to inspection and test.

Statement to be filed.

Power to collect and analyze samples.	in the State, and furnish the name or brand of the oil or oils which it is desired to sell, with the name and address of the manufacturer, and that the oil or oils will comply with the requirements of this act. The Department of Agriculture shall have power at all times and at all places to have collected samples of any illuminating oils offered for sale, and have the same analyzed. The inspection of oils, as authorized in this act, shall be under the direction of the Board of Agriculture, which is authorized to make all necessary rules and regulations for the inspection of such oils and to adopt standards as to safety, purity or absence from objectionable substances and luminosity when not in conflict with the provisions of this act and which they may deem necessary to provide the people of the State with satisfactory illuminating oil.
Rules and regulations.	
Standards.	
Appointment of inspectors.	SEC. 2. The Board of Agriculture shall appoint such number of oil inspectors as will be necessary, not exceeding one for each congressional district, whose compensation shall be fixed by the Board of Agriculture, not to exceed one thousand dollars and expenses each per annum. Each inspector, before entering upon his duties, shall take an oath of office before some person authorized to administer oaths. The inspector shall have power to examine all barrels, tanks or other vessels containing kerosene or other illuminating oils, to see that they are properly tagged as required in this act, and they shall, as directed, collect and test samples of oil offered for sale in different sections of the State, and when instructed collect and send samples to the Department of Agriculture for examination.
Salary.	
Inspectors to qualify.	
Examination of vessels containing oil.	
Collection and test of samples.	
Tax on oils.	SEC. 3. For the purpose of defraying expenses connected with the inspection, testing and analyzing oils in this State, there shall be paid to the Commissioner of Agriculture a charge of one-half cent per gallon, which payment shall be made before delivery to agents, dealers or consumers in this State. Each barrel, tank, tank car or other container of oil shall have attached thereto a tag or stamp stating that all charges specified in this section have been paid; and the Commissioner of Agriculture, with the advice and consent of the board, is hereby empowered to prescribe a form for such tags: <i>Provided</i> , that they shall be such as to meet the requirements of the trade in oils, and to adopt such rules and regulations as will insure the enforcement of this law.
Vessels containing oil to be stamped.	
Form of tags.	Where oil is shipped in tank cars or other larger containers, the manufacturer or jobber shall give notice to the Commissioner of Agriculture of every shipment, with the name and address of the person, company or corporation to whom it is sent, and the number of gallons, on the day the shipment is made.
Notice of shipments.	
Oil inspection fund.	SEC. 4. All moneys received under the provisions of this act shall be paid into the State Treasury and kept as a distinct fund, to be styled "the oil inspection fund." All checks or orders in

payment for tags or stamps shall be made payable to the State Treasurer. The Commissioner of Agriculture is authorized to draw out of said fund, upon his warrants, such sums as may be necessary to pay all expenses incurred in connection with this act, including salary of oil chemist or chemists, cost of inspection, tags, blanks, etc. Warrants for payment of expenses.

SEC. 5. The State Treasurer shall, on the first day of June and December each year, turn into the general fund of the State all moneys of the oil fund in his hands in excess of the amount drawn out by the Commissioner of Agriculture for expenses. Surplus to general fund.

SEC. 6. The Commissioner of Agriculture shall include in his report to the General Assembly an account of the operations and expenses under this act. Report to general assembly.

SEC. 7. Whenever a complaint is made to the Department of Agriculture in regard to the illuminating qualities of any oil sold in this State the commissioner shall cause a sample of said oil or oils complained of to be procured and have the same thoroughly analyzed and tested as to safety and illuminating qualities. If such analysis or other tests shall show that the oil is either unsafe or of inferior illuminating quality, its sale shall be forbidden and report of the result or results be sent to the party making the complaint and to the manufacturer of said oil. Tests for safety and luminosity.
Sale of oil forbidden.

SEC. 8. Every person who shall fraudulently brand or stamp any package or barrel or other vessel, or use a stamp a second time, or keep any kerosene or other illuminating oil not marked and branded in accordance with the regulations of the Board of Agriculture, or violate any other provision of this act or any regulation adopted by the Board of Agriculture for its enforcement, shall be guilty of a misdemeanor and fined not less than two hundred dollars (\$200) for each offense nor more than one thousand dollars (\$1,000). Acts declared misdemeanors.
Punishment.

SEC. 9. If any person, manufacturer or dealer shall sell or offer for sale in this State any of said illuminating oils and fluids before first having the same labeled and tagged as required by the regulations adopted by the Board of Agriculture, he shall be guilty of a misdemeanor and on conviction be fined not exceeding three hundred dollars (\$300), and the said oils and fluids be forfeited and sold, and the proceeds thereof go to the common school fund of the State. If any manufacturer or dealer of said illuminating oils or fluids shall, with intent to deceive or defraud, alter or erase the label or tag to indicate a different flash test, gravity or quantity than is indicated by the label or stamp attached to the vessel, he shall on conviction be fined not exceeding fifty dollars (\$50) for every such offense. Sale or offer of oil not tagged a misdemeanor.
Punishment.
Punishment for alteration or erasure of label.

Inspector interested in manufacture or vending oil misdemeanor. Punishment. SEC. 10. Any inspector who, while in office, shall be interested, directly or indirectly, in the manufacture or vending of any of the illuminating oils, shall be guilty of a misdemeanor, and on conviction shall be fined not less than three hundred dollars (\$300).

Prosecutions. SEC. 11. All prosecutions for fines and penalties under the provisions of this act shall be by indictment in a court of competent jurisdiction.

Retail dealers. SEC. 12. The provisions of this act shall not apply to the retail dealer in oils unless such retail dealer shall sell or offer to sell oils of a manufacturer, wholesaler or jobber who refuses to comply with the provisions of this act.

When act effective. SEC. 13. This act shall be in force from and after July first, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 555.

AN ACT TO PROVIDE FOR STANDARD-WEIGHT PACKAGES OF MEAL AND FLOUR AND TO PREVENT THE SALE OF SAME IN SHORT-WEIGHT PACKAGES.

The General Assembly of North Carolina do enact:

Standard weight. SECTION 1. The standard weight of a bushel of corn meal, whether bolted or unbolted, shall be forty-eight (48) pounds.

Lawful packages of meal. SEC. 2. It shall be unlawful for any person or persons to pack for sale, sell or offer for sale in this State corn meal, except in packages containing by standard weight one-eighth bushel, one-fourth bushel, one-half bushel, one bushel, one and one-half bushels or two bushels. The weight of the meal and whether the same is bolted or unbolted shall be plainly stated on the outside of the package.

Weight stated on outside of package. SEC. 3. It shall be unlawful for any person or persons to pack for sale, sell or offer for sale in this State flour, except in packages containing by standard weight twelve pounds, twenty-four pounds, forty-eight pounds, ninety-eight pounds or one hundred and ninety-six pounds of flour, with the weight plainly stated on the outside of the package: *Provided*, that sections one and two of the act shall not apply to the retailing of meal or flour direct to customers from bulk, when the same is priced and delivered by actual weight or measure.

Board of agriculture to make inspections. SEC. 4. The Board of Agriculture shall cause to be made from time to time, under rules and regulations to be prescribed by them in accordance with section six of this act, such inspections or examinations as may be necessary to determine whether the provisions of this act have been violated. If it shall appear from

Certificates to solicitors.

such inspection or examination that any of the provisions of this act have been violated, the Commissioner of Agriculture shall certify the fact to the solicitor in the district in which the violation was committed, and furnish that officer with the facts in the case, duly authenticated by the inspector, under oath, who made the examination.

SEC. 5. Any person or persons violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment in the discretion of the court, and the meal or flour offered for sale in violation of this act shall be subject to seizure, condemnation and sale by the Commissioner of Agriculture, as is provided for the seizure, condemnation and sale of commercial fertilizers; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury for the use of the Department of Agriculture in executing the provisions of this act: *Provided*, that the Commissioner of Agriculture may in his discretion order the release of the meal or flour seized when the owner of same shall offer to pack it in accordance with the provisions of sections one and two of the act and it shall appear to the satisfaction of the commissioner that said owner did not intend to violate the provisions of the law.

Violation of act a misdemeanor. Punishment.
Meal or flour subject to seizure.
Proviso: release in discretion of commissioner of agriculture.

SEC. 6. The Board of Agriculture shall have authority to make uniform rules and regulations for carrying out the provisions of this act.

Rules and regulations.

SEC. 7. The provisions of this act shall not apply to meal or flour on hand at the time of the passage of this act.

Meal and flour on hand.

SEC. 8. Except as provided in section seven, this act shall be in force from and after April first, one thousand nine hundred and nine.

When act effective.

SEC. 9. All laws or clauses of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 556.

AN ACT TO REGULATE THE REGISTRATION AND SALE OF CONDIMENTAL, PATENTED, PROPRIETARY OR TRADE- MARKED STOCK OR POULTRY TONICS, REGULATORS OR CONDITIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That before any condimental, patented, proprietary or trade-marked "stock or poultry tonic," "stock or poultry regulator," "stock or poultry conditioner," or any similar preparation, regardless of the specific name or title under which it is sold,

Statement and sworn certificate to be filed with commissioner of agriculture.

- which is represented as containing "tonic," "remedial" or other "medicinal" properties, either is sold, offered or exposed for sale in the State, the manufacturer, importer, dealer, agent or person who causes it to be sold or offered for sale, by sample or otherwise, within this State shall file with the Commissioner of Agriculture a statement that he desires to offer such "stock or poultry tonic," "stock or poultry regulator," "stock or poultry conditioner" or similar preparation for sale in this State, and also a certificate, the execution of which shall be sworn to before a notary public or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, and the name, brand or trade-mark under which the said preparation or preparations will be sold, together with the guaranty that said preparation or preparations are not injurious to the health of domestic animals and that they do not conflict with the drug requirements of the North Carolina Food and Drug Act, and that the name or trade-mark under which the article is sold shall not mislead or deceive the purchaser in any way; also, that any statement, design or device on the label or package regarding the substances contained therein shall be true and correct, and any claim made for the feeding, condimental, tonic or medicinal value shall not be false or misleading in any particular, and file with the Commissioner of Agriculture a labeled package of each brand of goods, showing claims made for same, which labeling and claims shall not be changed during the fiscal year for which registration is made without the consent of the Commissioner of Agriculture.
- Guaranty.**
- Further guaranty.**
- Package of goods filed.**
- Registration fee.** SEC. 2. For the expense incurred in registering, inspecting and analyzing "stock or poultry tonics," "stock or poultry regulators," "stock or poultry conditioners" and similar preparations defined in section one a registration fee of twenty dollars (\$20) for each separate brand shall be paid by the manufacturers or sellers of same to the Commissioner of Agriculture during the month of July, one thousand nine hundred and nine, and during the month of January in each succeeding year, said fees to be used by the Commissioner of Agriculture for executing the provisions of this act.
- Offer for sale of unregistered preparations or preparations violating provisions of act a misdemeanor.** SEC. 3. Any person, company, corporation or agent that shall offer for sale or expose for sale any package or sample or any quantity of any condimental, patented, proprietary or trade-marked "stock or poultry tonic," "stock or poultry regulator," "stock or poultry conditioner," or any similar preparation, regardless of the title under which it is sold, which has not been registered as required by section one of this act, or which may have been registered, but subsequently found by an analysis or examination made by or under the direction of the Commissioner of Agriculture to violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall
- Punishment.**

be fined in the sum of fifty dollars (\$50) for the first offense and in the sum of one hundred dollars (\$100) for each subsequent offense.

SEC. 4. Whenever the Commissioner of Agriculture becomes cognizant of any violation of any of the provisions of this act he shall immediately notify, in writing, the manufacturer, importer, jobber or dealer, if same be known. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture; and if it appears that any of the provisions of this act have been violated the Commissioner of Agriculture shall certify the facts to the solicitor in the district in which said sample was obtained, and furnish that officer with a copy of the result of the analysis or other examinations of the said article, duly authenticated by the analyst or other officer making such examination under the oath of such officer. In all prosecutions arising under this act the certificate of the analyst or other officer making the analysis or examination, when duly sworn to by such officer, shall be *prima facie* evidence of the fact or facts therein certified.

Notice to manufacturer or dealer.
Hearing.
Certificate to solicitor.
Certificate of analyst *prima facie* evidence.

SEC. 5. That it shall be the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases prescribed.

Solicitors to prosecute.

SEC. 6. This act does not repeal any part of any concentrated commercial feeding-stuff law which may be in effect in this State, but is designed to fully cover all preparations commonly known as condimental, patented, proprietary or trade-marked "stock or poultry tonics," "stock or poultry regulators," "stock or poultry conditioners," and all similar preparations used for "tonic," "regulative" or "condition" purposes, and to protect the public from deception and fraud in the sale of these specific products.

Effect of law.

SEC. 7. This act shall be in force on and after July first, one thousand nine hundred and nine.

When act effective.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 557.

AN ACT TO PREVENT THE SALE OF CERTAIN COMMODITIES AT THE ANNUAL MEETING OF THE LOWER COUNTRY LINE PRIMITIVE BAPTIST ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation, except at their regular place of business, to sell or offer for sale within one and one-half miles of any meeting of

Hawking forbidden.

the Lower Country Line Primitive Baptist Association, at any time during the three days and nights of the meeting, any wine, whiskeys or beer, confectioneries, candies, lemonade, Coca-Cola, Pepsi-Cola, soda water, ginger ale or any cold or soft drinks or concoction of any kind whatsoever, or any cigars, cigarettes or tobacco of any kind. Any person, firm or corporation so offending shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars or imprisoned not less than ten nor more than thirty days, or both, at the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 558.

AN ACT TO AMEND SECTION 5 OF CHAPTER 413 OF THE PUBLIC LAWS OF 1901, RELATING TO THE COTTON WEIGHER FOR THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Proviso: increase
of compensation.

SECTION 1. That section five of chapter four hundred and thirteen of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by adding to the end of said section the following: "Provided, that the county commissioners of Scotland County may in their discretion increase said compensation to ten cents per bale, one-half to be paid by the seller and one-half by the purchaser."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 559.

AN ACT TO REGULATE OYSTER DREDGING IN PAMLICO SOUND.

The General Assembly of North Carolina do enact:

Use of imple-
ments other than
hand tongs
unlawful.
Territory.

SECTION 1. That it shall be unlawful for any person to use any rakes, scrapes, scoops or dredges, or any other instrument or implement other than ordinary hand tongs, for the purpose of taking or catching oysters from the public oyster grounds or natural oyster beds in any of the waters of Pamlico Sound or its tributaries north of a line running from West Bluff Bay to the center of Ocracoke Inlet.

SEC. 2. Any person found guilty of the violation of this act shall be punished by a fine of not less than twenty-five dollars or imprisoned not less than thirty days. Misdemeanor. Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 560.

AN ACT TO CREATE A RECORDER'S COURT FOR EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The county commissioners of Edgecombe County may establish, at Tarboro, North Carolina, a recorder's court for the county of Edgecombe. Establishment of court authorized.

SEC. 2. Said court shall be a court of record and shall be presided over by a recorder, who may be a licensed attorney at law, of good moral character and in good standing in his profession, and who shall be at the time of his election and qualification an elector in and for said county. Said recorder shall be elected by the board of county commissioners at their regular meeting on the first Monday in April of each and every year, and shall hold office for a period of one year, and should a vacancy occur in said office the same shall be filled by the said county commissioners as provided for the appointment of the recorder. The said appointee shall hold said office during the remainder of said term. Before entering upon the duties of his office, the said recorder so elected shall take and subscribe an oath of office, as is now provided by law for justices of the peace, and shall file the same with the clerk of the Superior Court of said county of Edgecombe, which clerk will duly record the same. Said recorder's salary shall be determined by the board of county commissioners and paid out of the county funds, upon such vouchers as are now required for the payment of county bills. Court of record. Recorder. Election of recorder. Term. Vacancy. Recorder to qualify.

SEC. 3. Said court shall be open for the trial of cases on each and every Monday morning at ten o'clock, at the county site, and shall continue in session daily until the business before it shall be disposed of. Sessions.

SEC. 4. Said court shall have all jurisdiction and power in all criminal cases arising in said county which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have exclusive original Jurisdiction.

jurisdiction of all other criminal offenses committed in said county below the grade of felony, as now defined by law, and the same are hereby declared to be petty misdemeanors.

Removal of cases
from justices.

SEC. 5. When, upon affidavit made before entering upon the trial of any case before any justice of the peace, it shall appear proper for said case to be removed for trial to some other justice, as is now provided by law, said cause may be removed for trial to said Recorder's Court of Edgecombe County.

Recognizances to
recorder's court.

SEC. 6. In all criminal cases heard by justices of the peace and the other committing magistrates of said county against any person or persons for any offense included in section four of this act, in which probable cause of guilt is found, such person or persons shall be bound in a personal recognizance, with surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such surety such person or persons shall be committed to the common jail of such county to await trial.

Trials on
warrants.
Clerk of court.

SEC. 7. All trials of criminal actions shall be upon warrant issued by the clerk of the Superior Court, who shall also be clerk of the recorder's court.

Fees.

SEC. 8. All such justices of the peace and constables and sheriffs shall have the same fees as are now prescribed by law, and shall be collected and paid out in the same manner and by the same officers as collect and disburse the said fees in the Superior Court.

Sentence for fines
and costs.

SEC. 9. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and costs, the said recorder shall sentence the said defendant to imprisonment in the common jail of said county, to be worked upon the public roads of said county. All fines imposed shall be collected by the clerk of the Superior Court, as is now done in the Superior Court, and where a defendant is convicted and fails to pay the costs the county shall pay such costs as is allowed by law in similar cases before the Superior Court.

Collection of fines.
Costs paid by
county.

Civil jurisdiction.

SEC. 10. Said court shall have all jurisdictions and powers in all civil matters arising in said county which are now or may hereafter be given to the justices of the peace, and in addition to the jurisdiction conferred by this section shall have exclusive original jurisdiction of all other civil actions arising in said county, out of contract, where the sum demanded does not exceed the sum of five hundred dollars, and those arising out of tort, where the value of the property or the amount in controversy does not exceed two hundred dollars. In all civil matters tried by justices of the peace in said county, where either party to the suit appeals from the judgment of said justice, the said case on appeal shall be sent to the recorder's court for a new trial, as is now provided by law for the trial of cases in the Superior

Appeals from
justices.

Court upon appeal from justice's court, and shall be heard at the first sitting of the court after the appeal is sent up: *Provided*, this shall not prevent a continuance of any cause until some future day, upon good cause being shown to the court: *Provided further*, that the said board of commissioners are authorized, after twelve months' trial of said court, to discontinue said court if in their judgment it is best to do so. That either plaintiff or defendant in actions in this court may demand and have a jury, as provided in courts of justices of the peace, except the jury shall be twelve in number instead of six; that the recorder of said court, in all cases in which in his judgment the ends of justice would be best served by submitting the issue to a jury, may have a jury called of his own motion, as above provided, and submit the issue to the jury.

Proviso: continuance for cause.

Proviso: discontinuance of court.

Jury trials.

SEC. 11. Any person desiring to appeal to the Superior Court, in a criminal or civil case, from a judgment of the recorder's court shall be allowed to do so in the same manner as is now provided for appeals from the courts of justices of the peace.

SEC. 12. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of the Superior Court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on the return of such summons. The defendant shall file his written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof.

Civil action; return day.

Proviso: service of summons.

Pleadings.

SEC. 13. All judgments for the plaintiff rendered by the recorder shall be duly docketed in the office of the clerk of the Superior Court, and execution shall issue thereon as is now provided by law for executions.

Judgments docketed.

SEC. 14. In all actions and matters where a justice of the peace does not now have exclusive jurisdiction the plaintiff in such action may bring original suit, either in the Recorder's Court of Edgecombe County, as established by this act, or in the Superior Court of Edgecombe County, at their election.

Venue of suits.

SEC. 15. Nothing in this act shall prevent the recorder elected by the board of commissioners and serving as such in the court hereby established from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by him in his court.

Recorder may practice law.

SEC. 16. This act shall be printed at once, upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the Board of Commissioners of Edgecombe County.

Act to be printed and copy mailed.

SEC. 17. *Provided*, that nothing in this act shall be in conflict with the recorder's court at Rocky Mount, North Carolina.

Proviso: court at Rocky Mount.

SEC. 18. This act shall be in force from and after the first Monday in April, one thousand nine hundred and nine.

When act effective.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 561.

AN ACT FOR THE BETTERMENT OF THE PUBLIC SCHOOLS
IN ANSON COUNTY AND THE TRAINING OF THE CHILDREN FOR LIFE'S WORK.*The General Assembly of North Carolina do enact:*

Privilege tax to be paid on dogs.	SECTION 1. That any person or persons owning or keeping a dog shall pay annually on each dog so kept a license or privilege tax of one dollar (\$1) on male dogs and two dollars (\$2) on female dogs.
Amount.	
Term of license.	SEC. 2. That said tax shall be paid to the sheriff of the county, as provided for the payment of other license taxes, and the license shall expire on the first day of January of each year. Said license shall be issued and signed by the sheriff and shall contain the name of the owner and the description of the dog, by name, color and sex. For each license issued the sheriff shall be entitled to a fee of ten (10) cents, to be deducted from the tax paid, and a record shall be kept of all licenses issued under the act.
License issued by sheriff.	
Fee to sheriff.	
Record of licenses.	
Lists of licenses furnished constables.	SEC. 3. That the said sheriff, as soon as practicable after the first day of January and before the first day of March of each and every year, shall deliver to the constable of each township in the county or counties of this State to which this act is applicable a list of the licenses issued, for the guidance of said constable in the enforcement of this law, and the list shall be published annually, within sixty days after the first day of January, in one or more of the county papers, the total cost of advertising not to exceed ten cents on each license issued.
Publication of list.	
Keeping dog without license a misdemeanor.	SEC. 4. Any person owning or keeping a dog without having paid the tax prescribed by this law and without obtaining a license therefor shall be guilty of a misdemeanor and shall be fined not less than five dollars and not exceeding fifty dollars or imprisoned or worked on the public roads not less than ten days and not exceeding thirty days, one-half of the money fine to go to the prosecuting witness and one-half to the school fund.
Punishment.	
Division of fine.	
Persons convicted to pay tax.	SEC. 5. It shall be the duty of the justice of the peace or any court of competent jurisdiction, upon the conviction of any person for the violation of the provisions of this act, to require such defendant to pay said tax, and upon the refusal or failure to pay the same within twenty hours after being ordered by said court, or upon the information of the existence of any dog, the ownership of which is claimed by no one, such justice of the peace or other court shall declare such dog for which a tax has not been paid a public nuisance, and shall direct the constable or other officer to kill or cause such dog to be killed, and for such services said constable or other officer shall receive one dollar, to be paid out of the fund raised from said license tax.
Dog declared nuisance if tax not paid.	
Constable to kill dog.	
Fee.	

SEC. 6. The net proceeds raised from the collection of said taxes shall be placed on the account of the general school fund of the county or township wherein the said tax is paid. License tax to use of school fund.

SEC. 7. That the citizens of Anson County or of any township in Anson County desiring to have this act apply to said county or township shall present to the board of county commissioners of the county a petition signed by a majority of the qualified voters of the county or township asking that said license tax be imposed, and if said board of commissioners shall believe that a majority of the qualified voters of the county or township, as appears from the registration books at the last general election of said county or State, have signed said petition, said board of commissioners may order the imposition of said license tax, to begin on the first day of January next thereafter, and such order shall be conclusive of this act to the county or township: *Provided*, this act shall apply only to the county of Anson. Act to affect county or township on petition of majority of voters.

SEC. 8. That this act shall be enforced from and after its ratification. Proviso: application of act.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 562.

AN ACT AUTHORIZING THE COMMISSIONERS AND TREASURER OF DAVIE COUNTY TO TRANSFER THE SURPLUS BELONGING TO THE SPECIAL RAILROAD TAX FUND TO THE GENERAL COUNTY FUND.

Whereas, under and by virtue of chapter one hundred and thirteen, Public Laws, passed by the General Assembly of North Carolina in the year one thousand eight hundred and seventy-nine, the county of Davie subscribed to the capital stock of the Winston-Salem and Mooresville Railroad Company, and issued its bonds, with coupons thereto attached, in the sum of forty thousand dollars, to aid in the construction of said railroad; and whereas said railroad company, afterwards, under and by virtue of the authority of law, consolidated with other railroad companies duly chartered by the State of North Carolina, and is now known as the North Carolina Midland Railroad Company; and whereas the Board of Commissioners of Davie County has, since the issuance of said bonds, annually levied and caused to be collected a special tax to provide for the payment of said bonds and coupons thereto attached; and whereas the dividend received upon the stock in said railroad company held by said county for the year one thousand nine hundred and eight, together with the special tax levied by said board of commissioners in the month of June, one thousand nine hundred and eight, will be more

than sufficient to pay off and discharge all of said bonds and coupons now outstanding, leaving a surplus of said special fund in the hands of the Treasurer of Davie County: therefore,

The General Assembly of North Carolina do enact:

Transfer of surplus
to general county
fund authorized.

SECTION 1. That the Board of Commissioners and Treasurer of Davie County be and they are hereby authorized and empowered to transfer and cover into the general county fund of Davie County any and all surplus of the special railroad tax fund remaining in the hands of said treasurer after having paid off and discharged all of said bonds and coupons thereto attached, and said fund so transferred shall be expended by said commissioners as other ordinary or general county funds.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 563.

AN ACT TO AMEND CHAPTER 476, PUBLIC LAWS OF 1907,
RELATING TO THE ROAD LAW IN SMITH CREEK TOWNSHIP,
WARREN COUNTY.

The General Assembly of North Carolina do enact:

Election of road
commissioners.

SECTION 1. That section one of chapter four hundred and seventy-six, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by adding after the word "commissioners" and before the word "the," in line nine of section one in said act, the following: "That said road commissioners of said township shall be elected biennially by the qualified voters of said township at the general election held for other county officers."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 564.

AN ACT TO AMEND CHAPTER 769, PUBLIC LAWS OF 1905,
RELATIVE TO COTTON WEIGHER OF THE TOWN OF
WILSON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and sixty-nine of the Public Laws of one thousand nine hundred and five be amended by striking out section five thereof and inserting in lieu thereof the following:

"Sec. 5. The cotton weigher provided for in this act shall receive as compensation for his services such sum for each bale weighed as may be fixed by the board of commissioners of the town of Wilson and the board of commissioners of the county of Wilson at their joint session at which he is elected, which shall be not less than eight nor more than ten cents per bale, one-half to be paid by the buyer and one-half by the seller. Each buyer shall retain from the price of said bale of cotton one-half the sum fixed, as aforesaid, as compensation for said cotton weigher as the seller's part of said compensation to be paid, together with the buyer's part of said compensation, upon the request of said cotton weigher: *Provided*, that at the expiration of the term of office the said cotton weigher may be required to file, at the joint meeting hereinbefore provided for, a sworn statement showing the total amount received by him during his term of office."

Compensation of cotton weigher.

Proviso: sworn statement of amount received.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 565.

AN ACT TO AMEND SECTION 1506, CHAPTER 28 OF THE REVISAL OF NORTH CAROLINA OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six, chapter twenty-eight of the Revisal of North Carolina of one thousand nine hundred and five, providing for terms of court in the various judicial districts of the State, be amended as follows: On page four hundred and forty-eight of section one thousand five hundred and six, chapter twenty-eight of the Revisal of North Carolina of one thousand nine hundred and five, at the bottom of the page, referring to Harnett County, strike out all in lines six and seven after the words "two weeks," in line six, so that it shall read as follows: "Harnett County, 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."

Terms of court for Harnett county.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 566.

AN ACT TO CHANGE THE TIME FOR MEETING OF BOARD OF EDUCATION OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Proviso: meetings
held on Tuesday.

SECTION 1. That section four thousand one hundred and thirty-three be amended by adding at the end of said section the following: "*Provided*, that the Board of Education of Dare County shall hold their regular and special meetings on Tuesdays instead of Mondays."

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 567.

AN ACT TO PROVIDE A SYSTEM OF CONSTRUCTING AND KEEPING IN REPAIR THE PUBLIC ROADS OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Appointment of
road trustees.

SECTION 1. That for the construction, maintenance and improvement of the public roads of Randolph County the board of commissioners of said county shall, on or before the first Monday in April, one thousand nine hundred and nine, or other first Monday within one year from said date, appoint a board of road trustees for each township in said county, which board shall be composed of three men of good character who are residents of such township. The term of office of the first road trustee shall be three years, the second two years and the third for one year, and one successor of one trustee shall be appointed by said board of county commissioners for each of said townships in April, one thousand nine hundred and ten, and annually thereafter, for the term of three years; and in event of a vacancy occurring in any of said boards of road trustees, by death, resignation, removal from the township or otherwise, the said board of commissioners shall appoint his successor to fill the unexpired term.

Terms of office.

Successors.

Vacancies.

Meeting of
trustees for
organization.
Organization.
Report of
organization.

SEC. 2. That the board of road trustees of each of said townships shall meet on the first Saturday in May, one thousand nine hundred and nine, and annually thereafter, and organize by electing one of their number chairman and one secretary, and the secretary so elected shall forthwith report to the commissioners of said county, in writing, a list of officers thus elected,

which report shall be kept on file in the register's office of said county: that the trustees, for the purpose of performing the duties herein required of them, shall meet quarterly, and oftener if in their judgment they shall deem it necessary for the proper trans-
 action of the duties herein imposed, and their secretary shall keep a record of all their meetings and proceedings; that the said board of road trustees shall be exempt from the number of days' labor hereinafter required in this act upon the public roads of their township: *Provided*, that the first meeting of said board of road trustees may be held at any other time appointed by the board of county commissioners.

Quarterly meetings.

Record of proceedings. Trustees exempt from road duty.

Proviso: first meeting.

SEC. 3. That it shall be the duty of the board of road trustees to examine into the condition of the public roads of their respective townships at least twice in each year, and make a report, in duplicate, on the condition of the public roads, and present one copy of said report to the board of commissioners of said county at their May and one at their November meeting, and in addition thereto the said board of road trustees shall forthwith file one copy of said report with the clerk of the Superior Court of said county for the use of the solicitor, with such instructions and recommendations as they may deem proper; that the said board of road trustees shall have the right, upon petition of the citizens of their township, or without such petition if they shall deem it for the best interest of the traveling public, to lay out, alter or discontinue public roads that are wholly within their townships, or when such proposed new road, alteration or discontinuance is wholly within their township, with as little injury to the lands through which the same passes as may be consistent with the best interests of the traveling public; and the said board of road trustees, taking into consideration the advantages and disadvantages to the owner of the lands through which the road thus altered or laid out passes, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, which shall be paid out of the funds of the township in which said road is located, and the said board of road trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the board of commissioners of said county, and, unless it shall appear to said commissioners that the damages are excessive or unjust, shall be allowed by them; that any person or persons aggrieved by the action of the board of road trustees in laying out, altering or discontinuing any public road, as aforesaid, or the amount of damages allowed for any new road or altering an old road, as aforesaid, may appeal to the board of commissioners of said county, upon giving a bond, with sufficient justified surety, to be approved by said board of road trustees, in not less than the sum of two hundred dollars,

Examination and report of condition of roads.

Power to lay out, alter or discontinue roads.

Assessment of damages.

Payment of damages. Certificate of damages.

Appeal to county commissioners.

Bond on appeal

- and conditioned for the payment of all costs which may be adjudged against him or them on such appeal: *Provided*, that notice of appeal be given to the secretary of said board of road trustees by the party or parties aggrieved within ten days after notice of the act complained of. That the said commissioners shall hear and determine such appeal, and if the same be against the appellant it shall be their duty to enter judgment against the appellant and his sureties for the costs of the appeal, which shall have all the force and effect of a judgment in the Superior Court, and such judgment for costs may be enforced in the same manner as a judgment of the Superior Court: *Provided*, that any party or parties aggrieved by the action of the commissioners in such matter may appeal to the Superior Court of said county in the manner set forth in the next succeeding section.
- Proviso: notice of appeal.**
- Proceedings on appeal.**
- Proviso: appeals to superior court.**
- Roads extending into two or more townships.**
- SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done in the manner provided in sections two thousand six hundred and eighty-four, two thousand six hundred and ninety and two thousand six hundred and eighty-five of chapter sixty-five, and section one thousand two hundred and sixty-eight, chapter twenty-two of volume one of the Revisal of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the courthouse door for thirty days and at some public place in each township through any part of which said road passes, for twenty days prior to the hearing of the petition, may be done in lieu of the notice required in said section two thousand six hundred and eighty-four: *Provided further*, that any person or persons desiring to appeal to the Superior Court from the order of the board of commissioners shall give bond, with justified and approved surety, in not less than the sum of two hundred dollars, conditioned to pay all such costs as may be adjudged against him or them on appeal.
- Proviso: posting notice.**
- Proviso: bond on appeal to superior court.**
- Division of roads.**
- SEC. 5. That all roads, when laid out for construction or alteration under the provisions of the preceding section, shall, by virtue of this act, be deemed divided, so that the board of road trustees of each township shall have control of so much thereof as lies wholly within their township. Said board shall have control of all public roads laid out or altered under sections three and four of this act, providing for the construction and maintenance of public roads: *Provided*, that no person shall be required to go out of his township to help in working or constructing any road, except when on the boundary line, as hereinafter provided, and all persons subject to road duty shall be worked as near as may be on that part of the public road running through their immediate vicinity.
- Control of roads.**
- Proviso: road hands not required to work outside of township.**

SEC. 6. That the board of road trustees of the several townships of said county shall, on the first Monday of the month immediately following their appointment, or within ten days thereafter, divide their respective townships into suitable road districts, and annually on the first Monday of May thereafter make such alterations as they may deem proper, and cause a brief description thereof to be made on the township records, and also to furnish each supervisor with a description of his road districts and the names of the persons assigned to each district: at which they divide their townships into road districts as aforesaid, and annually on first Monday of May thereafter, shall elect one supervisor for their township, who shall have charge of the several road districts therein: but if in their judgment they shall consider it best suited to the conditions in their townships they may elect more than one supervisor and assign to each the district which he shall have charge of, under the provisions of this act; that the board of road trustees shall cause each supervisor to enter into a bond in not less than the sum of two hundred dollars, executed to the State of North Carolina in trust for said township, with sufficient surety, to be approved by the board of road trustees for such township; that the board of road trustees shall have general power and control over the public roads in their townships, and shall confer with the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads, and may direct their supervisors that in case of a vacancy in the office of supervisor, occurring by death, resignation, removal or otherwise, the board of township trustees shall appoint his successor for the unexpired term, and may at any time when they deem it for the best interest of the public roads of their township remove any supervisor from office and appoint his successor.

Description of district and list of hands.

Election of supervisors.

Bond of supervisors.

General power and control of trustees.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond, with approved surety, such as may be required of him as aforesaid by the board of road trustees, and shall at each quarterly meeting of said trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, and the character and extent of the work he has done on the same, the number of persons subject to road duty, as defined in section nine of this act, in each road district in his charge, and the number of days worked by each person: the name of each person who has paid cash in lieu of services, and the amount of cash paid by each: the full amount of receipts and the amount and manner of all expenditures during said quarter; the number of days worked by him on the roads of his district and the number of hands worked each day, and the number of judgments, fines and

Supervisors to qualify.

Reports of supervisors.

penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the board of road trustees may require of him appertaining to his duties or relating to the condition of his road.

Duties of supervisors.

SEC. 8. That it shall be the duty of each and every supervisor, subject to such direction as the road trustees may deem proper to make as to the manner of doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road districts, to keep the same in repair and to remove or cause to be removed all ob-

Entry on land for material.

structions that may from time to time be found thereon, for which purposes the supervisors are hereby authorized to enter upon any lands not encumbered by crops, near to or adjoining such roads; to cut and carry away timber, except trees or groves on improved lands, planted or left for ornament or shade; to dig and carry away or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to be done to improve or repair said road, and to enter on any lands adjoining or lying near the road, for making such drains or ditches through the same as he may deem necessary for the benefit of the roads, but doing as little damage to said lands and the improvements and timber thereon as the nature of the case and the public good will permit. The drains or ditches so made shall be conducted to the nearest or most convenient water course, ditch or drain, and shall be kept open by the supervisors and shall not be obstructed by the owners or occupants of such lands or any person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the board of road trustees and applied to the road fund of said township. If the supervisor shall willfully and unnecessarily damage any cultivated or improved lands by failure to conduct said drains and ditches of his road districts to the nearest or most convenient water way, ditch or drain, and to keep said drain and ditches in proper condition, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars.

Drains and ditches.

Penalty for obstructing drains and ditches.

Injury to land a misdemeanor.

Punishment.

Persons liable to road duty.

Road duty.

Proviso: commutation.

Proviso: emergency work.

SEC. 9. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of eighteen and forty-five years, shall be liable annually to do and perform four days' labor on the public roads, under the directions of the supervisor of the road district in which he resides: *Provided*, that if any person, being warned, as hereinafter provided, shall pay to the supervisor of his district the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the road supervisor receiving the same to the improvement of the roads in that district: *Provided further*, that if from heavy rains, floods, washouts or any unusual injury to the roads the board of road

trustees shall be of the opinion that the condition of the roads in their township demand it, they may increase the number of days' labor for each person subject to road duty to not more than two additional days: *Provided further*, that ten hours shall constitute a day's work, as required under this act.

Proviso: day's work.

SEC. 10. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being warned by such supervisor, personally, 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 an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars for each offense: *Provided*, that no person shall be released from the performance of the labor or its equivalent, as herein provided, by reason of the failure of any supervisor to order such person out, as herein specified.

Supervisor to warn hands.

Refusal or neglect to attend and discharge duty a misdemeanor.

Punishment.

Proviso: road duty not discharged on failure of warning.

SEC. 11. That if any person shall remove from any district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any way has paid the whole or any part thereof in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete release for the amount therein specified.

Removal from district.

SEC. 12. That every person of road age, as defined in this act, who shall be summoned, as hereinbefore provided, to perform labor upon the public roads under the provisions of this act, shall by himself or by an able-bodied substitute appear at the place appointed by the supervisor, at an hour not later than seven o'clock in the forenoon, with such tools and implements as the supervisor may direct, and work under the direction of the supervisor of said district, and the supervisor may arrange for the use of teams, wagons, carts, plows or scrapers to be employed and used on the road under his direction, upon terms and prices to be approved by the board of road trustees.

Road hands to bring tools and implements.

Teams and implements.

SEC. 13. That for the purpose provided for in the preceding sections of this act the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he sleeps in any road district in said county.

Residence defined.

SEC. 14. That all the moneys that shall be in the hands of any supervisor at the time of the annual settlement with the board of road trustees shall be paid over to the secretary of the board of road trustees, who shall deliver same to the treasurer of the county, to be placed to the credit of said township road fund,

Moneys to be paid over.

or turn the same over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor and deposit said receipt with the board of township trustees.

Road tax. SEC. 15. That the commissioners of said county shall have the authority and it shall be their duty to levy, at the June session of their board, annually, for public-road purposes, not less than eight and one-third cents nor more than fifteen cents on the one hundred dollars valuation of property, and the board of commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes; that the road tax, when thus assessed, shall be collected by the sheriff or tax collector of said county, under the penalty and regulations laid down for the collection of other taxes for said county, and paid out as hereinbefore provided: *Provided*, that said sheriff shall receive three per cent for collecting and two per cent for disbursing: *Provided further*, that on petition of a majority of the registered voters of any township the said board of commissioners, in the manner above provided, may levy for such township so petitioning an amount not exceeding thirty cents on the one hundred dollars valuation of property, to be collected in the manner herein provided for.

Rate.

Collection of tax.

Proviso: commission of sheriff.

Proviso: township tax on petition.

Road taxes kept separate. SEC. 16. That the road tax levied under this act shall be made out and kept in a separate item on the tax list and made to appear in a separate item on the tax receipt, and the treasurer of the county shall keep the fund due each township in a separate account, and the same to be disbursed only upon orders signed by the chairman and the secretary of the board of road trustees of said township: *Provided*, that in no event shall the funds due one township be paid out for the benefit of any other township.

Road orders.

Proviso: township funds.

Township road orders. SEC. 17. That all moneys due the several townships shall be paid out only upon the written order signed by the chairman and secretary of the board of road trustees, who shall have absolute charge and control of the construction, maintenance and improvement of the public roads of their townships, and in determining the divisions of the funds they shall be governed, not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material necessary to make substantial repairs and improvements in order to make a just and equitable division of the funds, and the said money shall be used as far as practicable in making permanent and lasting improvements upon said roads.

Apportionment.

Road orders. SEC. 18. That the Treasurer of Randolph County shall disburse the funds coming into his hands under this act only upon order signed by the chairman and secretary of said board of road trustees, stating to whom the same is payable, the amount and the purpose for which the same has been or is to be expended, and the said county treasurer's books shall at all times be open for the inspection of the board of road trustees.

SEC. 19. That the board of road trustees for the several townships shall contract to pay the road supervisor for the days of actual service out of the township funds a sum not exceeding one dollar and a half per day, deducting the commutation of the days of labor required in such township: *Provided*, the board of road trustees of any township may at any time fix the minimum number of hours to be worked each day by the supervisor, and for such days he works a less number of hours he shall not receive pay, unless there is in the judgment of the board of road trustees a sufficient reason for the same.

Pay of supervisors.

Proviso: minimum of work.

SEC. 20. That the supervisors of public roads within said county are hereby authorized and directed to construct footbridges over streams of water in their district, where the convenience of travelers on foot require the same.

Footbridges.

SEC. 21. That each supervisor within his district or districts shall erect and maintain, at the expense of the township, at the forks or cross of public roads a post and guideboard containing an inscription in legible letters directing the way and distance to the town or towns or other public places situate on each road, respectively, and shall erect and maintain mileposts on said public roads showing the distance from the county seat: *Provided*, this shall not apply to roads not going in the direction of county seats, and any person who shall willfully demolish, throw down, alter or deface any such guidepost or milepost shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Post and guide boards.

Mileposts.

Proviso: roads not leading to county seat.

Injuring guide or mileposts a misdemeanor.

Punishment.

SEC. 22. That the board of road trustees of the several townships in said county be and they are hereby authorized to furnish plows, scrapers and other tools which they may deem proper for use upon the public roads of their townships, to be paid for out of any money of the township for road purposes not otherwise appropriated. The board of road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or to any of them by improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession, and he shall on the first Monday in May annually return the same to the board of road trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by action in the name of the board of road trustees.

Purchase of tools.

Receipts from supervisors.

Liability of supervisors.

SEC. 23. That the right of way of the public roads in said county shall be twenty feet, and the supervisor, with the approval of the board of trustees, shall determine how much of the right of way shall be used for road purposes.

Width of roads.

Certificates for
material taken.

SEC. 24. That each and every supervisor who shall cut and take away any timber, stone, clay, marl, sod or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district, as is provided in section eight of this act, or otherwise, shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward or the executor or administrator having the lauds in charge, from which timber, stone, gravel or other material were taken, as aforesaid, give a certificate showing the quantity of such timber, stone, gravel or other material, with the value thereof, respectively, and the time and purpose for which the same were taken, and upon presentation the board of road trustees shall allow said certificate, if the same is just, but if not, shall allow such sum as they may deem fair and just, and any such sum shall be paid out of the fund of said township.

Payment of
certificates.

Purchase and
use of machinery.

SEC. 25. That the county board of commissioners may purchase road machinery, tools and implements and turn same over to the board of road trustees; that the said machinery, tools and implements so purchased shall be and remain the property of the county of Randolph, and the said commissioners may at any time direct the board of road trustees to return any of such machinery, etc., or deliver the same, upon their order, to other parties.

Injury to crops
and faulty con-
struction of drains
misdemeanors.

SEC. 26. That if the supervisor shall willfully and wantonly injure any crops on cultivated or improved land in the exercise of the duties devolving upon him in this act, or shall fail to conduct the drain and ditches mentioned in this act to the nearest water way, ditch or drain, and keep said ditch or drain in repair, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars.

Punishment.

Snaking logs a
misdemeanor.

SEC. 27. Any person engaged in hauling or transporting saw logs or other timber on any public road who shall transport or cause to be transported, by means of chain or grab hooks or other means to be made to slide on the roadbed by a method known among lumbermen as dragging or "snaking" logs, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, the board of road trustees may, under certain conditions satisfactory to them, permit such hauling or dragging of logs.

Punishment.
Proviso: permit
to snake logs.

Obstructions
removed.

SEC. 28. That at any time during the year when any public road shall be obstructed it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work upon the public roads of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their duty of labor upon the public road, the supervisor shall give to such person or persons a certificate for the amount

Certificates for
overwork.

of labor performed, and said certificate shall apply on the labor that may be due from such person or persons for the ensuing year.

SEC. 29. That sections two thousand six hundred and ninety-six, two thousand six hundred and ninety-four and one thousand two hundred and sixty-eight of the Revisal of one thousand nine hundred and five, shall govern the establishing and laying out of cartways, except that the duties herein imposed upon the board of road supervisors of the township shall devolve upon and be performed by the board of road trustees for the township: *Provided*, that such trustees, in case of appeal, shall require of appellant a bond sufficient to recover the cost of the appeal.

Cartways.
Proviso: bonds on appeals.

SEC. 30. That as to unlawful obstructions of public roads and other injury thereto by railroad companies, sections seventy-two, seventy-three, seventy-four and seventy-five of chapter fifty of the Laws of one thousand nine hundred and one shall be and the same are hereby made a part of this act.

Obstructions by railroad companies.

SEC. 31. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipts or certificates, shall be guilty of a misdemeanor.

Neglect or false certifying by supervisor a misdemeanor.

SEC. 32. That any road trustee, supervisor, secretary of board of road trustees or other officer of said county of whom any act or duty is required in this act to be done or performed, and who shall refuse or neglect to do any such matter or thing as herein required, shall be guilty of a misdemeanor.

Refusal or neglect of duty by officers a misdemeanor.

SEC. 33. That the commissioners of said county shall have supervision and control of the bridges of said county, the location, construction and maintenance and repair of the same, and may let such contracts and do all such things in connection with the construction, maintenance and repair of said bridges as are consistent with the best interest of said county of Randolph and will best subserve the interest of the traveling public; that for building and repairing bridges the county commissioners are authorized to use any special funds on hand in the county treasury except school funds, and when this is exhausted they are authorized to use the general county fund.

Bridges.

Funds for bridges.

SEC. 34. That with the view of getting a proper grade in laying out or widening any public road, as provided in this act, the authorities herein authorized to lay out and locate the same may employ a competent surveyor or engineer, who shall be paid by the county for his services out of the general county fund or of the funds due the township in which the services are performed, in their discretion.

Employment of surveyor or engineer.

Roads forming township boundaries.

Proviso: roads forming county line.

SEC. 35. That where any road forms a boundary between any two townships or any township and another county the said board of road trustees are authorized and empowered to make arrangements with the proper authorities of such other township or other county in regard to working and maintaining the same: *Provided*, any township in Randolph County shall not bear more than one-half the expenses of working and maintaining any county-line road.

SEC. 36. This act shall be in force and effect whenever the Board of Commissioners of Randolph County shall adopt the same at a regular meeting of said board.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 568.

AN ACT TO PROVIDE FOR THE ISSUING OF BONDS AND LEVYING A SPECIAL TAX FOR BUILDING A TOLL BRIDGE AND WORKING THE ROADS IN BOONVILLE TOWNSHIP, YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Levy of special tax directed.

Rate.

Years. *

Collection.

Bridge and road funds.

Appropriation of proceeds for toll bridge.

Limit of cost.

Trustees named. Duties of trustees.

SECTION 1. That the Board of County Commissioners of Yadkin County are hereby authorized and directed to levy a special tax of not more than twenty cents on the hundred dollars valuation and sixty cents on the poll for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, one thousand nine hundred and twelve, one thousand nine hundred and thirteen, one thousand nine hundred and fourteen, one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, one thousand nine hundred and seventeen and one thousand nine hundred and eighteen, to be collected by the Sheriff of Yadkin County as other taxes, said taxes to be collected from all property and polls of Boonville Township, in the county of Yadkin, and to be known as bridge and road funds of Boonville Township.

SEC. 2. That the proceeds of said tax shall first be used for the purpose of building a toll bridge across the Yadkin River at or near Crutchfield, at a point to be selected by trustees hereinafter appointed, the said bridge and approaches thereto not to cost over eight thousand dollars (\$8,000) and the bridge shall be built of iron or steel.

SEC. 3. That T. L. Hayes, F. W. Day and A. S. Speer are hereby appointed trustees of the said funds and bridge; and it shall be the duty of the said trustees to contract for and superintend the erection of said bridge and the spending of said funds on the pub-

lic roads of Boonville Township, if there be a surplus after constructing the bridge as aforesaid, and audit all claims for the expending of said funds; to employ a keeper of said bridge and fix his salary, to make rules and regulations concerning the operation of said bridge, to appoint a receiver of said funds and fix his salary, not to exceed two and one-half per cent of said funds.

Appointment and salary of receiver of funds.

SEC. 4. That the receiver of the funds herein provided for shall hold his office at the discretion of the trustees, and shall, before receiving any of said funds, file a bond in the amount prescribed by the said trustees, which bond shall be filed and approved as the county treasurer's bond. It shall be the duty of the said receiver to make settlement with said trustees as often as they may call for the same and at least once every twelve months.

Term of receiver. Bond.

SEC. 5. That the board of trustees shall fix the rate of toll, to be approved by the county commissioners.

Toll rates.

SEC. 6. That the county commissioners of the county of Yadkin and the county of Surry may in their discretion pay the sum of five hundred dollars each for the erection of said bridge out of the general funds of said counties: *Provided*, that after the tolls received from said bridge shall reimburse said Boonville Township for the taxes paid, the bridge shall be made toll-free to the public.

Appropriation from county funds.

Proviso: bridge toll-free after reimbursement of township.

SEC. 7. That it shall be the duty of the county commissioners of Yadkin County to issue bonds in the sum of eight thousand dollars, in the name of Boonville Township, bearing interest not exceeding 6 per cent, payable annually, said bonds to be payable on or before January first, one thousand nine hundred and nineteen, which bonds shall be used in the erection of said bridge, and any surplus to be applied to the maintenance of the public roads in said township.

Bond issue authorized. Amount. Interest. Maturity.

Bonds used for erection of bridge. Surplus.

SEC. 8. That the receiver shall receive all moneys herein provided to be raised, and pay the same to the discharge of said bonds and interest, under the direction of said trustees or their successors, and shall take proper receipt for the same.

Duty of receiver.

SEC. 9. That the said special tax shall be made out with the State and county taxes and receipted for on same receipt, but shall be kept separate when collected, and paid over at once to the receiver as the treasurer of said funds.

Taxes kept separate.

SEC. 10. That after the said bonds have been paid off and fully satisfied, any surplus then remaining in the hands of the said receiver shall be used by said trustees on the public roads of Boonville Township.

Surplus after paying bonds to road fund.

SEC. 11. That the said trustees shall hold their office for a term of two years and until their successors are elected, which successors shall be elected by the Board of Supervisors of Boonville Township at their regular meeting in August, one thousand nine hundred and eleven, and biennially thereafter.

Term of trustees. Election of successors.

Power to condemn lands.

SEC. 12. That the trustees hereinbefore appointed shall have the same power to condemn lands for a bridge and necessary keeper's house as is provided for corporations under chapter sixty-one of the Revisal of North Carolina of one thousand nine hundred and five.

Ratification of act to be voted on.

SEC. 13. That this act be in full force and effect from and after its ratification, provided a majority of the votes cast at an election hereinafter provided for shall be for tax and bonds; that the county commissioners of Yadkin County shall call an election to be held in Boonville Township, at a time to be named by said trustees hereinbefore appointed under the rules and regulations governing the election of members of the General Assembly, at which election there shall be submitted to the voters of Boonville Township the question of levying the special tax and issuing the bonds provided for in this act. Those voting for shall vote a ticket on which is written or printed the words "Tax and Bonds," and those voting against shall vote a ticket on which shall be written or printed the words "No Tax or Bonds"; and that if a majority of said votes shall be for "Tax and Bonds," this act shall be in full force and effect; if a majority shall be against "Tax and Bonds," this act shall be null and void.

Call of election.

Law governing election.

Question submitted.

Tickets.

SEC. 14. That this act shall be effective from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 569.

AN ACT TO AMEND SECTION 1506, CHAPTER 28 OF THE REVISAL OF 1905, RELATIVE TO THE TERMS OF SUPERIOR COURT FOR HERTFORD COUNTY AND TIME FOR HOLDING THE SAME, AND TO REPEAL CHAPTER 76, PUBLIC LAWS OF 1905, AND CHAPTER 49, PUBLIC LAWS OF 1907, RELATIVE THERETO.

The General Assembly of North Carolina do enact:

Terms of court.

SECTION 1. That section one thousand five hundred and six, chapter twenty-eight of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out all after the words "Hertford County," in second district, down to "third district," and inserting in lieu thereof "first Monday before the first Monday in March, to continue for one week; seventh Monday after the first Monday in March, to continue for one week; sixth Monday after the first Monday in September, to continue for two weeks, unless sooner adjourned by the court."

Jurors for first week.

SEC. 2. That the jurors of the first week of said two-weeks term 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.

SEC. 3. That the county commissioners of said county shall draw fifteen extra jurors to serve as jurors during the second week of said court, but when in their opinion the business of the court does not require a second-week term they are hereby authorized not to draw a jury for the second week of the said October term of court herein provided for. ^{Jurors for second week.}

SEC. 4. That should said jurors for the second week be drawn by the commissioners, as above provided, and the court shall on Friday of the first week of said October term, cause announcement to be made at the courthouse door that no court will be held during the second week of said term, then the jurors summoned for jury service for said second week shall not be required to attend and shall not be entitled to any pay. ^{Jurors not to attend.}

SEC. 5. That chapter seventy-six (76), Public Laws of one thousand nine hundred and five, and chapter forty-nine (49), Public Laws of one thousand nine hundred and seven, as well as all other laws and clauses of laws in conflict with this act are hereby repealed. ^{Repealing clause.}

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 570.

AN ACT TO PROTECT GAME AND FISH IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter eight hundred and seventy-seven of the Public Laws of one thousand nine hundred and seven be and is hereby amended by striking out all of said section after the word "birds," in line three thereof. ^{Former law amended.}

SEC. 2. That it shall be unlawful for any person or persons to kill, trap or in anywise destroy any pheasants, grouse or wild turkey for the term of four years. ^{Protection for pheasants, grouse and wild turkeys.}

SEC. 3. That it shall be unlawful for any person to catch, take or destroy in any manner any mountain or rainbow trout except from the first day of April to the first day of August of each year; and no person shall at any time take, catch, kill or destroy any mountain trout less than six inches in length or any rainbow trout less than seven inches in length, or take more than twenty-five in number of each on any one day. ^{Open season for trout. Size of fish to be taken. Limit of number.}

SEC. 4. That it shall be unlawful for anyone to kill or in any way destroy any gray or fox squirrels from the first day of March to the first day of October in each year. ^{Close season for squirrels.}

Constables made game wardens.	SEC. 5. That the constable in each township in said county shall be and is hereby made a warden for the better enforcement of the game and fish laws of said county, and it shall be his duty, upon information from any reliable person that any of such laws have been violated, to swear out a warrant before some justice of the peace of his township against the person so violating said law or laws; and in the case of a conviction there shall be taxed, in addition to the costs now taxable in criminal cases, a further fee of one dollar, which shall be collected as other costs in such cases, and shall be paid, when so collected, to the constable so swearing out said warrant.
Duties.	
Tax fee.	
Protection for deer.	
Open season.	SEC. 6. That it shall be unlawful to chase with a dog or dogs, hunt or kill any deer, except that bucks with horns large enough to be distinctly seen in the woods may be hunted or killed, but not chased with dogs, between the first day of November and the thirty-first day of December of each year: <i>Provided</i> , persons who own private parks, under fence, and have domesticated deer therein may kill at their option any of their own herds, but not chase with dogs.
Proviso: private parks.	
Limit on number of deer killed.	SEC. 7. That no person shall kill in one year more than two bucks, and not hunt at night with lights.
Misdemeanor.	SEC. 8. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars or imprisoned thirty days. This section shall only apply to sections six and seven of this act.
Punishment.	
Misdemeanor.	SEC. 9. That any person violating this act, except sections six and seven, shall be guilty of a misdemeanor and punished and fined not less than two dollars and fifty cents nor more than fifty dollars or imprisoned thirty days.
Punishment.	
Application of act.	SEC. 10. That this shall apply only to Buncombe County.
	SEC. 11. That this act shall be in force from and after its ratification.
	Ratified this the 5th day of March, A. D. 1909.

CHAPTER 571.

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

The General Assembly of North Carolina do enact:

License tax on dogs.	SECTION 1. That any person or persons owning or keeping a dog must pay annually on each dog so kept a license or privilege tax of one dollar on each dog, male or female. The taxes shall be listed at the same times and places as personal property is listed.
To be listed.	
Stealing licensed dogs larceny.	SEC. 2. That any person who shall feloniously take, steal and carry away any dog upon which a license tax has been paid, as hereinbefore provided, shall be guilty of larceny.

SEC. 3. That said tax shall be paid to the Sheriff of Wake County, as provided for the payment of other taxes. Payment of tax.

SEC. 4. The net proceeds raised from the collection of said taxes shall be turned over to the Treasurer of Wake County, to the use of the board of road trustees of the various townships, or, when requested, to the treasurer of the board of township trustees. Said fund shall be distributed among said townships in proportion to the number of license taxes paid in each: *Provided*, the net proceeds raised in Raleigh Township shall be turned over to the Treasurer of Wake County, to the use of the public schools of said county. Proceeds to use of road fund.
Proviso: proceeds in Raleigh township.

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

SEC. 6. That this act shall apply to Wake County only. Application of act.

SEC. 7. That all laws or sections of laws in conflict herewith are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 572.

AN ACT TO PROTECT DEER IN THE COUNTIES OF CUMBERLAND, HARNETT AND GREENE.

The General Assembly of North Carolina do enact:

SECTION 1. That for a period of three years from the ratification of this act it shall be unlawful for any person or persons to hunt, either with dog or gun, by night or by day, or in any way or manner hurt, injure, harass or annoy any deer in the counties of Cumberland, Harnett and Greene. Protection for three years.

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

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 573.

AN ACT TO FIX THE COMPENSATION OF COUNTY COMMISSIONERS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Per diem and
mileage.

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

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 574.

AN ACT TO AMEND CHAPTER 703 OF THE PUBLIC LAWS OF 1905, AND ALSO CHAPTER 942 OF THE PUBLIC LAWS OF 1907, RELATING TO THE SALARIES OF THE OFFICERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Exception.

SECTION 1. That section one of chapter seven hundred and three of the Public Laws of one thousand nine hundred and five be amended by striking out, in line three, the words "and the constable of Asheville Township."

Salary of constable.

SEC. 2. That section ten of said chapter seven hundred and three is hereby repealed.

Salary of deputy register of deeds.

SEC. 3. That section nine of said chapter seven hundred and three is hereby amended by striking out all of said section after the word "services," in line three.

Allowance to clerk and sheriff for stenographer.

SEC. 4. That sections three and four of chapter nine hundred and forty-two of the Public Laws of one thousand nine hundred and seven are hereby repealed.

County commissioners to provide for deputies, clerks and assistants.

SEC. 5. That the Board of County Commissioners of said Buncombe County are hereby authorized and empowered to provide for such deputies, clerks or assistants as in their opinion may be nec-

essary for the sheriff, clerk of the Superior Court and register of deeds of said county, and they are hereby authorized and empowered to pay such deputies, clerks or assistants such sums of money as in their opinion may be proper and just, and it shall be the duty of said board to prescribe the duties of such clerks, deputies and assistants.

SEC. 6. That the Board of Commissioners of Buncombe County are hereby vested with the power and authority to adopt any method or system which they may think best for the collection of all fees or licenses required by law, to be paid to the clerk of the Superior Court and the Register of Deeds of Buncombe County, and they are hereby vested with the power and authority to require said fees to be paid to such person as they may direct, and the fees so paid to such person shall be by him paid to the Treasurer of Buncombe County, as is now required by law.

County commissioners to prescribe system for collection of fees.

SEC. 7. That said board of county commissioners are hereby vested with the power and authority to require the treasurer of said Buncombe County and the auditor of said Buncombe County to perform such other and additional duties for said county to those now required of them, provided such other duties and services shall not be inconsistent with their present duties and services.

Additional duties on treasurer and auditor.

SEC. 8. That until said board shall, by resolution, adopt a different method or system for the payment and collection of the fees and licenses herein authorized, the method and system now in use and authorized by law for the collection of fees and licenses shall prevail in said county.

System of collection now in use continued.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 575.

AN ACT TO PROTECT GAME BIRDS, WILD FOWL AND OTHER GAME IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with a gun, shoot, kill, trap or in any manner whatsoever kill or destroy partridges or quail in the county of Davie between the first day of February and the fifteenth day of December in each and every year.

SEC. 2. That it shall be unlawful for any person or persons to net partridges or quail in any manner in Davie County, or to destroy the eggs of partridges or quail in said county.

Netting birds and destroying eggs unlawful.

Protection of wild turkeys.	SEC. 3. That it shall be unlawful for any person to trap, shoot, kill or in any manner destroy wild turkeys or their eggs in said county.
Protection of foxes.	SEC. 4. That it shall be unlawful for any person to trap, shoot, kill or in any manner destroy foxes in said county, except by chasing the same with dog or dogs.
Misdemeanor.	SEC. 5. That any person violating the provisions of either section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.
Punishment.	SEC. 6. That this act shall apply only to Davie County.
Application of act.	SEC. 7. That this act shall be in force from and after the first day of March, one thousand nine hundred and nine.
When act effective.	Ratified this the 5th day of March. A. D. 1909.

CHAPTER 576.

AN ACT TO PROHIBIT THE SALE OF WINE WITHIN THREE MILES OF PLEASANT HILL CHURCH AND MILLER HILL SCHOOLHOUSE. IN BUNCOMBE 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 wine made from grapes, in any quantity, within three miles of Pleasant Hill Church or Miller Hill Schoolhouse, in Buncombe County.
Misdemeanor.	SEC. 2. That anyone violating the provisions of this act shall be guilty of a misdemeanor and fined not over fifty dollars nor imprisoned over thirty days.
Punishment.	SEC. 3. That this act apply only to Buncombe County and not to go into effect until August first, one thousand nine hundred and nine.
Application of act.	SEC. 3. That this act apply only to Buncombe County and not to go into effect until August first, one thousand nine hundred and nine.
When act effective.	Ratified this the 5th day of March. A. D. 1909.

CHAPTER 577.

AN ACT TO AMEND SECTION 2778. REVISAL OF 1905, RELATING TO THE FEES OF THE TREASURER OF DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and seventy-eight of the Revisal of one thousand nine hundred and five be amended by striking out all after the word "*Provided*," in line eight. down to the word "*Provided*," in line eleven, and inserting

in lieu of such proviso the following: "That in counties where the treasurer's total compensation cannot exceed two hundred and fifty dollars per annum the treasurer may, in the discretion of the board of county commissioners and of the board of education, as to the school fund, be allowed a sum not exceeding two and one-half per cent on his receipts and not exceeding two and one-half per cent on his disbursements of all funds handled by him." Commissions
allowed treasurer.

SEC. 2. That the compensation allowed by virtue of the provisions of the foregoing section one shall not be operative to give a total compensation in excess of two hundred and fifty dollars per annum to such treasurers. Limit on total
compensation.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 578.

AN ACT TO AMEND CHAPTER 28, SECTION 1506, REVISAL OF 1905, AND TO FIX THE TIME FOR HOLDING COURTS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That so much of section one thousand five hundred and six, chapter twenty-eight of the Revisal of one thousand nine hundred and five, as relates to the holding of the courts of Sampson County, be and the same is hereby repealed and the following be inserted in lieu thereof, to-wit: "That the terms of the Superior Court for Sampson County shall be held as follows: Terms of court. The fourth Monday before the first Monday in March, to continue for two weeks; the eighth Monday after the first Monday in March, to continue three weeks, the last two weeks for the trial of civil causes only; the sixteenth Monday after the first Monday in March, to continue one week, for the trial of civil causes only; the eighth Monday before the first Monday in September, to continue one week; the fourth Monday before the first Monday in September, to continue two weeks, for the trial of civil causes only; the seventh Monday after the first Monday in September, to continue two weeks."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 579.

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF
OF WAKE COUNTY.*The General Assembly of North Carolina do enact:*Commissions
allowed.

SECTION 1. That the Sheriff of Wake County, in lieu of the commission allowed him under section ninety-one of chapter two hundred and fifty-eight of the Laws of one thousand nine hundred and seven, shall receive four per cent commission on all taxes, licenses and privileges collected for State, county, township, school district and other purposes whatsoever.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed, in so far as they relate to Wake County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 580.

AN ACT TO ESTABLISH POLICE REGULATIONS AT MONEY
ISLAND BEACH, BOGUE BANKS, CARTERET COUNTY.*The General Assembly of North Carolina do enact:*Duties and powers
of sheriff or
deputy.

SECTION 1. That it shall be the duty of the sheriff or deputy sheriffs of Carteret County living and residing at Money Island Beach, on Bogue Banks, in said county, or those appointed by the Sheriff of Carteret County for that section of said county in which Money Island Beach is situated, and he or they shall have power and authority to suppress all disturbances of the quiet and good order of and at said Money Island Beach, and to arrest all offenders against the same, and to prevent as far as possible all injury to property on said beach and on the above-mentioned premises. Said sheriff or deputy sheriffs 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 sheriff or deputy sheriffs are hereby required to report the name of said person to the proper authority, to the end that he may be dealt with as the law directs. Said sheriff or deputy sheriffs shall have power to enter the enclosure and house of any person on the aforesaid premises, without warrant, when he or they have good reason to believe that a crime or felony has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to

Power to summon
aid.Report of persons
refusing.Power to enter
enclosures and
houses.

aid him or them, and all persons so summoned shall have like authority to enter and arrest. Any person arrested by said sheriff or deputy sheriff for any offense shall as soon as practicable be taken before some justice of the peace of Carteret County, when and where formal complaint shall be lodged against such person, as prescribed by law, to the end that such person shall have a speedy trial and be dealt with as the law directs, and in the meantime, and until the case is disposed of, such persons so under arrest may be detained and confined in a guardhouse or a calaboose, unless bail is given as provided by law.

Persons arrested to have speedy trial.

Detention pending trial.

SEC. 2. Such sheriff or deputy sheriffs shall have the same power and authority on said Money Island Beach as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Authority as policemen.

SEC. 3. Such sheriff or deputy sheriffs, when on duty, shall wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall be worn in plain view, except when employed as detective.

Badge to be worn.

SEC. 4. That every person found drunk in any public place on said premises, or drunk and staggering along said beach or walks, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars or imprisoned not more than ten days.

Public drunkenness a misdemeanor.

Punishment.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 581.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST IN THE STREAMS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the owner, lessee, employee or any other person, firm or corporation having charge of any sawmill in Polk County to throw the sawdust of such mill or permit the same to go into any streams in said county. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof such person, firm or corporation shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Throwing or permitting sawdust to go into streams unlawful.

Misdemeanor.

Punishment.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 582.

AN ACT RELATING TO THE SALE OF REAL ESTATE FOR TAXES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Time for sale of real estate.

SECTION 1. That the Sheriff of Wake County shall be allowed until the first Monday in June in each year to sell real estate for taxes.

Time for settlement.

SEC. 2. That the Sheriff of Wake County shall be allowed until the second Monday in June in each year to account for and settle all taxes which by law he is now required to settle not later than the first Monday in May in each year.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed, in so far as they relate to Wake County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 583.

AN ACT ALLOWING THE PEOPLE OF RUTHERFORDTON TOWNSHIP TO VOTE BONDS FOR THE PURPOSE OF MACADAMIZING AND AMENDING CERTAIN PUBLIC ROADS AND STREETS OF SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

Petition for call of election.

SECTION 1. Upon petition signed by one-third of the qualified voters of Rutherfordton Township, in the county of Rutherford and State of North Carolina, being presented to the board of county commissioners of said county, at any regular meeting of said board, it shall be the duty of the said board of commissioners and they are hereby directed to call an election in the said township on the question of issuing bonds by the said township for the purpose of building, amending and macadamizing the public roads in said township and for macadamizing the streets in the town of Rutherfordton. The said petition shall state the amount of bonds to be voted and the term of years for which the same shall

Call of election directed.

Proviso: limit of amount.

run and the amount of interest to be paid: *Provided*, that authority shall not be given for the issuing of more than sixty thousand dollars (\$60,000) worth of bonds to be used by the said township for such purpose, and they shall not run for more than thirty years from the issuing thereof, and shall bear no greater rate of interest than five per cent per annum, payable semi-annually.

Maturity.

Interest.

SEC. 2. Upon the petition being filed, as set forth in the preceding section, it shall be the duty of the said board of commissioners to order the said election and to also order a new registration of all voters within the said township for the purpose of the said election, and shall appoint one registrar and two judges, which registrar and judges shall proceed to register the voters and hold the said election and count the votes cast thereat under the same rules and regulations as prescribed by the general law for holding the election of the members of the General Assembly of the State of North Carolina, which order of election shall be published at least once a week for four successive weeks preceding the said election in some newspaper published in the county of Rutherford.

County commissioners to order election.

New registration.

Appointment of registrar and judges.

Law governing election.

Publication of order.

SEC. 3. At the said election those who are in favor of bonds shall cast a ballot upon which shall be plainly written or printed the words "For Good Roads," and those who are opposed to bonds shall cast a ballot upon which shall be plainly written or printed the words "Against Good Roads"; and the said judges and registrar shall count the ballots and declare the result as provided by the general law, and shall certify the result thereof to the Board of County Commissioners of Rutherford County, which shall be filed with the register of deeds of said county on the day following the said election. If a majority of the qualified voters of the said township shall cast their votes at the said election "For Good Roads," then it shall be the duty of the said board of commissioners to issue bonds up to the amount specified in the petition and order of election, under the rules and regulations hereinafter prescribed; but if the majority of the qualified voters shall fail to cast their votes "For Good Roads," then it shall not be the duty of the said board of commissioners to issue bonds.

Ballots.

Count of votes and declaration and certificate of result.

SEC. 4. That in the same order made by the board of commissioners calling the said election it shall be their duty to order that five discreet persons shall be elected at the same time that the question of bonds is voted on, and who shall be known and designated as the Board of Trustees of Rutherfordton Township. The said road trustees shall be voted for in a separate box, and each person voted for shall have his name written or printed on a ticket with the words "For Road Trustees," and the five persons receiving the highest number of votes shall be declared to be duly elected as the board of trustees for said township; and should any of the persons receiving the highest number of votes be a tie, and the judges and registrar are thereby unable to determine the one elected, it shall be the duty of the registrar and judges to decide the matter by chance, and shall certify to the board of commissioners who the five persons are composing the board of trustees; and if a vacancy occurs in the said board, by death, resignation or otherwise, said vacancy shall be filled by other members of the board.

Election of trustees.

Separate box.

Determination of ties.

Certificate of election.

Vacancies.

- Duty of trustees. SEC. 5. It shall be the duty of the board of trustees to direct the said board of county commissioners in what denominations the said bonds should be issued, what term to run and what interest to bear, and to sell the said bonds for cash and to turn over the same to a treasurer, to be elected by them, who may or may not be one of their number: *Provided*, that no money shall be turned over to said treasurer until he shall have given bond in a sum to be fixed by the said board of trustees, but in no event less than the amount of money turned over to said treasurer: *Provided further*, the said treasurer shall receive such amount for all of his services as such treasurer as the said board of trustees shall fix, but not to exceed one-half of one per cent of all moneys that may come into his hands as such treasurer, except the said board of trustees may make an order that he may give bond in some surety company, to be paid out of said funds.
- Proviso: treasurer to give bond.
- Proviso: compensation of treasurer.
- Road orders. SEC. 6. The said treasurer shall not pay out any of the said funds except upon order of the said board, duly attested by the chairman and secretary thereof, and shall render a monthly account in detail to the board of trustees, which account shall be itemized, giving the name of every person or corporation to whom he has paid money, upon what order and for what purpose paid, which account shall be verified; and when the fund shall have been disposed of, the said treasurer shall render a final account, itemized and verified as stated above; and if the said final account shall be approved by the said board of trustees it shall be the duty of the board to order their secretary to endorse on the said final account the word "Approved" and the day when approved, and shall cause the same to be recorded in the "record of official accounts" in the register's office in Rutherford County; and if the said treasurer shall fail or refuse to render any of the said accounts as above set out, and if the board of trustees shall neglect or refuse to require the said treasurer to render any of the said accounts in accordance with the specifications of the section, they shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court; and, further, the said treasurer, upon so failing to render said account as herein specified, shall be liable to a penalty of two hundred dollars, one-half of which will go to the person suing for the same.
- Monthly accounts.
- Final account.
- Failure to render or require accounts a misdemeanor.
- Punishment.
- Treasurer liable to penalty.
- One-half of penalty to person suing.
- Duty of trustees as to roads. SEC. 7. It shall be the duty of said trustees to take charge of, grade and macadamize all the public roads in the said township specified in the petition and order of election referred to in section one of this act, and to lay off new roads and make such amendments on the old roads specified in the petition and order of election of board of commissioners as in their discretion they may deem necessary or which may have been specified in said petition and order of election; and it shall also be their duty to macadamize such streets of the town of Rutherfordton as are specified in the
- Streets in Rutherfordton.

petition and order of election; shall also specify the depth and width of the macadam to be put down on the said streets by the said trustees; and it shall be the duty of the said board of trustees to meet in regular session at least once every month, and special meetings may be called at any time for special purposes, either by the chairman or three members of the board. In order to carry out the work imposed upon the said board of trustees by this act, they shall have the right to employ an engineer and also a road superintendent. The duty of the superintendent shall be to superintend and oversee all the work which is being done under the direction of the board of trustees, and the board may purchase such road machinery or rock crusher or other machinery as they may deem necessary: *Provided*, that the salary of the said superintendent shall not exceed four dollars per day for the time actually engaged in work: *Provided further*, that the trustees shall not receive any pay for their services.

Meetings.

Engineer and road superintendent.

Duty of superintendent.

Road machinery.

Proviso: salary of superintendent.

Proviso: trustees to receive no pay.

SEC. 8. If the said board of trustees shall decide, either upon the petition from citizens of said township or upon its own motion, to build a proposed road, it shall make an order to that effect and shall appoint a committee of three members of the said board of trustees to lay out and establish the said proposed road, which committee shall make its report to the said board, and upon the said report being adopted the said board shall then make an order that the said proposed road shall be opened up and built from the funds derived from the sale of the said bonds: *Provided*, that if any citizen over whose lands the said road may run shall claim damages the said board shall cause the sheriff to summon a jury of three good and lawful men to view the premises and assess the damages, if any; and if the board of trustees or the landowner shall be dissatisfied with the decision of the said jury, either party shall have the right to appeal to the Superior Court on the question of damages, but in no event can any person receive any more damage than the land taken by the said road is worth at a fair valuation per acre: *Provided further*, that neither the said committee nor jury shall receive more than two dollars per day for each member of said committee or jury for the time actually engaged in laying out the said road.

Procedure for laying out and establishing road.

Proviso: procedure for assessment of damages.

Right of appeal.

Limit of damage.

Proviso: pay of committee and jury.

SEC. 9. It shall be the duty of the Board of Commissioners of Rutherford County to issue the bonds provided for in this act, up to the amount voted in said election, upon the request of the said board of road trustees for Rutherfordton Township, in such denominations, to run such time and to bear such interest as the said board of trustees may direct, which bonds shall be signed by the chairman of the Board of County Commissioners of Rutherford County and attested by the secretary of said board and the county seal of Rutherford County affixed thereto: *Provided, however*, that the limitations prescribed in the first section of this act must be observed in the issuing of said bonds.

Issuance of bonds.

Authentication.

Proviso: limitations to be observed.

Special tax.

SEC. 10. When the said board of commissioners shall have issued any of the bonds provided for in this act it shall be the duty of the said board annually thereafter, on the first Monday in June, to levy a tax on all property and polls subject to taxation for State purposes in the said township sufficient to pay the interest on the bonds so issued as the same may become due, and to create a fund sufficient, upon the maturity of the bonds, to pay the principal thereof; and the said sinking fund shall be used from time to time as it accumulates in the purchase of the bonds so issued, and if the said bonds cannot be purchased, then the said sinking fund shall be safely invested by the board of county commissioners in interest-bearing securities. All bonds purchased by the use of said sinking fund shall be canceled and destroyed, and a record of the numbers of the bonds so canceled and destroyed and the date of their destruction shall be kept; and the money collected for paying the interest on the bonds and creating the sinking fund shall be paid to the treasurer of the county of Rutherford, who shall keep a separate record thereof, and his official bond shall be liable therefor, and he shall be allowed for his services such compensation as the board shall fix, not exceeding one-half of one per cent: *Provided, however,* that the constitutional equation between the property and the poll be at all times observed in such levy.

Investment of sinking fund.

Cancellation of bonds.

Record of cancellation.
Treasurer to keep separate record.

Pay of treasurer.

Proviso: constitutional equation.

Issue of part or all of bonds may be voted on.

Subsequent elections.

Subsequent elections if bonds not voted.

SEC. 11. The citizens of the said township shall have the right to petition for and require an election on the whole sixty thousand dollars' worth of bonds provided for in this act, or for any part of the same, and having voted any part of the said bonds will not prevent the holding of another election or elections until the whole sixty thousand dollars of bonds have been voted; and if there shall be an election held under the provisions of this act, and the majority of the qualified voters shall fail to vote bonds, it shall not be a bar to the holding of another election or elections under the said act upon a new petition being filed under the provision herein contained for the filing of petition for election hereunder.

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 584.

AN ACT TO CREATE A CRIMINAL TERM OF COURT IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Criminal term to be opened and held.
Date of term.

SECTION 1. That hereafter there shall be opened and held a criminal term of the Superior Court for the county of Duplin, to be begun on the ninth Monday before the first Monday in September in the year one thousand nine hundred and nine, and on the ninth

Monday before the first Monday in September in each year thereafter, lasting one week, for the trial of criminal cases only; that Jurisdiction. the said criminal term of the Superior Court shall have jurisdiction to try all criminal actions over which the superior criminal courts now have jurisdiction, either on indictment or by appeal from magistrates, and that the grand jury shall be drawn and Grand jury. sworn as other grand juries and act on the bills of indictment as other grand juries.

SEC. 2. That the commissioners of Duplin County shall draw Commissioners to draw jury. from the jury box the names of thirty-six men to serve as grand jurors and petit jurors at the said July term of court, and said Sheriff to summon jury. commissioners shall cause the Sheriff of Duplin County to summon said jurors.

SEC. 3. That all criminal processes shall be made returnable to Process returnable to court. said criminal court, but that no civil process shall be made returnable to said term of court.

SEC. 4. That the term of the Superior Court of Duplin County Term made civil term only. now begun on the first Monday before the first Monday in September in each year shall be changed from a criminal and civil term of court to a civil term of court only, and that hereafter only civil Process returnable. process, including civil summons and civil subpoenas, shall be made returnable to said term of court, and that at said term of court nothing but civil causes of action shall be tried; and that the commissioners of Duplin County shall cause to be drawn from the jury Drawing and summons of jury. box the names of eighteen persons, who shall serve as petit jurors for said term, and said commissioners shall cause the Sheriff of Duplin County to summon said jurors; that the said civil term of Jurisdiction. court mentioned in this act, held on the first Monday before the first Monday in September in each year, shall have all the civil jurisdiction now given to the Superior Courts of the State of North Carolina.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 585.

AN ACT TO PROVIDE FOR THE BETTER REGULATION OF THE OYSTER INDUSTRY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and three, Revisal of one thousand nine hundred and five, be amended as follows: Strike out all of said section after the word "bond," in line sixteen, and insert the following in lieu thereof: "The salary of Salary of commissioner.

Salary of assistant commissioner. the commissioner shall be six hundred dollars per annum. The salary of the assistant commissioner shall be fifty dollars per month, to be paid only during the active oyster season, which shall not exceed six months in any one year."

Proviso: employment of inspectors. SEC. 2. That section two thousand four hundred and four, Revised of one thousand nine hundred and five, be amended by adding after the word "serve," in the last line of said section, the following: "*Provided*, that no inspectors shall be employed on a regular salary except at points where there is at least one shucking house or cannery where the revenue derived therefrom amounts to as much as twice the amount of the salary; and at all other points where inspectors may be employed they shall be engaged upon a commission, not to exceed fifty per cent of the revenue collected: *Provided further*, that inspectors may be employed at a regular salary at Coinjock and South Mills."

Proviso: inspectors at Coinjock and South Mills.
Section enumerating duties of commissioner.

SEC. 3. That section two thousand four hundred and five, Revised of one thousand nine hundred and five, be and the same is hereby repealed.

Powers and duties of oyster commissioner.

SEC. 4. The Oyster Commissioner shall have a general supervision over the oyster industry and see that the laws regulating the same are properly enforced. He shall prosecute all violations of the oyster laws, and may employ counsel whenever it is necessary for this purpose. He shall use the oyster patrol boat in the performance of his duties, and he shall go in person as captain or commander of said patrol boat and shall visit the various localities where oysters are caught and points where they are sold; and he shall, on or before the tenth day of each month, mail to the Treasurer of the State a consolidated statement, showing the amount of taxes collected during the preceding month and by and from whom collected. He shall make a biennial report to the Governor, which shall be transmitted by him to the General Assembly, setting forth in detail an account of his official acts, showing in detail a statement of his receipts and disbursements.

Monthly reports.

Biennial reports.

SEC. 5. That section two thousand four hundred and six, Revised of one thousand nine hundred and five, be amended by adding at the end of said section the following: "and it shall be his duty to command the oyster patrol boat and perform the duties required of the commissioner, when said commissioner is unable to perform such duties, by reason of sickness or other necessary cause, and shall at all other times during the oyster season perform such duties as the commissioner shall prescribe and require."

Duties of assistant commissioner.

Crew of patrol boat and salaries.

SEC. 6. The commissioner may employ as his crew for said patrol boat one engineer, at a salary not to exceed forty dollars per month during the oyster season, and cook, at a salary not to exceed thirty-five dollars per month, to be employed and paid only during the active oyster season, and the said commissioner shall be allowed a sum not to exceed three hundred dollars for actual expenses.

Allowance for expenses.

SEC. 7. That section two thousand four hundred and nineteen be amended as follows: Strike out the words "one and one-half," in line three of said section, and insert the word "two" in lieu thereof. Strike out the words "one-half a," in line five, and insert in lieu thereof the word "one."

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

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 586.

AN ACT TO PROHIBIT THE FISHING OF CERTAIN NETS IN BATH CREEK, BLOUNT'S CREEK, JORDAN'S CREEK, PUNGO CREEK AND WRIGHT'S CREEK, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to use or fish with any drag nets, purse nets, drop nets, fyke nets, thrash nets or any set or gill nets longer than thirty yards on top line, in the waters of Bath Creek, Blount's Creek, Jordan's Creek, Pungo Creek, Wright's Creek or their tributaries, in Beaufort County, during the months of March, April, May, June and July of each and every year. Enumeration of forbidden nets.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 587.

AN ACT TO PUNISH DRUNKENNESS AND PROFANITY IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person drunken with or drinking intoxicants to be found on the streets, public roads or other public places in Carteret County and disturbing the peace by using profane or boisterous language. Drunkenness and drinking in public unlawful. Profane or boisterous language a breach of the peace.

Misdemeanor.
Punishment.

SEC. 2. All persons violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not to exceed thirty days.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 588.

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

The General Assembly of North Carolina do enact:

Regular jurors
and veniremen
accepted.

SECTION 1. That the county commissioners of Rockingham County are hereby authorized at their discretion to fix the pay of all regular jurors and such veniremen as shall be taken or accepted in the trial of capital cases, at not more than two dollars per day and mileage, as now provided by law.

Talesmen.

SEC. 2. The same pay shall be allowed to special jurors and talesmen who shall be summoned to serve and do serve, but they shall not be allowed any mileage or ferriage.

Special veniremen
not drawn as
jurors.

SEC. 3. All persons who are summoned to appear as special veniremen, who do actually attend and who are not drawn as jurors, shall be entitled to prove and receive one day's pay of one dollar each, without mileage.

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

SEC. 5. This act shall be in force from and after its ratification.
Ratified this the 5th day of March, A. D. 1909.

CHAPTER 589.

AN ACT TO CONSTRUCT A ROAD IN QUALLA TOWNSHIP, IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Road to be built.

SECTION 1. That the road trustees of Qualla Township, in Jackson County, shall lay off and build a road to the best advantage, and grade not to exceed six per cent, in Qualla Township, Jackson County, commencing at a point in the public road near Morris Crisp's house and passing over the lands of Morris Crisp, Alethia House, Milton Sittou and John Bradburn, intersecting

Grade.
Route.

the main road from Cherokee, in Swain County, to Wilmot, in Jackson County, at a point at or near the Methodist and Baptist churches and the Qualla Graded-school House.

SEC. 2. That the said road trustees shall commence, not later than the first day of April, in the year one thousand nine hundred and nine, the construction of said road, and shall have the same completed, full standard width, so that teams can be driven over same conveniently, on or before the first day of July in the year one thousand nine hundred and nine. Beginning and completion of work.

SEC. 3. That not more than twenty-five dollars (\$25) damages shall be assessed against the road trustees of Jackson County for the lands that the road may pass over. Limit of damages.

SEC. 4. That if the road trustees shall refuse or neglect to carry out the provisions of this act they shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. Refusal or neglect a misdemeanor.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 590.

AN ACT TO PROTECT GAME AND FISH IN POLK COUNTY.

The General Assembly of North Carolina do enact:

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

SEC. 2. That it shall be unlawful for any person or firm to sell or offer for sale any of said game birds killed within said Polk County except between the first day of December and the thirty-first day of January of each and every year. Sale or offering for sale unlawful in close season.

SEC. 3. That it shall be unlawful for any person to fish with seine or net or to kill with dynamite or other explosives any fish in any streams in said county. Fishing regulated.

SEC. 4. That it shall be unlawful for any person to hunt in said Polk County upon the lands of another without the written permission of the owner thereof. Hunting.

SEC. 5. Any violation of any of the provisions of this act shall constitute a misdemeanor and shall be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor, Punishment.

SEC. 6. That all laws and clauses of laws relating to Polk County in conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 591.

AN ACT TO ALLOW CONVICTED PRISONERS OF CASWELL COUNTY TO WORK ON THE COUNTY FARM.

The General Assembly of North Carolina do enact:

Convicts sentenced to work on farm.

SECTION 1. That whenever any male person has been convicted or adjudged guilty in the Superior Court of Caswell County and the judge holding said court shall impose imprisonment in the county jail as a part of the punishment, the judge may direct the said persons so sentenced to be worked for said term by the board of county commissioners of said county upon the county farm.

Provision for safe-keeping and guarding.
Grand jury to visit and report.

It shall be the duty of the board of county commissioners to make adequate provision for the safe-keeping and guarding of said prisoners, and it shall be the duty of grand juries of said county to visit and report to each term of court upon the management and working of the prisoners under this act.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 592.

AN ACT TO PRESCRIBE THE MANNER OF ELECTING THE BOARD OF COMMISSIONERS FOR THE COUNTY OF TYRRELL.

Preamble.

Whereas the board of commissioners for the county of Tyrrell consists of five members under existing laws, and there are only five townships in said county and so remote from each other as to render it advantageous that each township be represented on said board by a commissioner chosen by the duly qualified electors of each township; and whereas each of said townships desires to have a representative on said board chosen by the qualified electors of each township, which said commissioner shall be at the time of his election a resident of and duly qualified voter in the township from which he is chosen: now, therefore.

The General Assembly of North Carolina do enact:

Election by each township.

SECTION 1. That at the next general election to be held in the year one thousand nine hundred and ten and every two years thereafter the duly qualified electors of Alligator, Columbia, Gum Neck, Scuppernon and South Fork townships, in Tyrrell County, shall each elect a commissioner, which said commissioner shall be a duly qualified elector in and resident of the township from which he shall be elected—that is to say, the duly qualified electors

Commissioners to be voters of township.

of Alligator Township shall elect one commissioner, and the duly qualified electors of Columbia Township shall elect one commissioner, and the duly qualified electors of Gum Neck Township shall elect one commissioner, and duly qualified electors of Scuppernon Township shall elect one commissioner, and the duly qualified electors of South Fork Township shall elect one commissioner, and the five commissioners so elected shall constitute the board of commissioners for the county of Tyrrell; and in event of the death, removal or resignation of any of said commissioners the vacancy thus created shall be filled by appointment from the township which is left without representation because of the vacancy thus created. Vacancies.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall apply to Tyrrell County only.

Application of act.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 593.

AN ACT TO AMEND CHAPTER 726, PUBLIC LAWS OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public Laws of one thousand nine hundred and five be and the same are hereby amended by adding the following thereto: "That the said creek shall be straightened where thought to be necessary by ditching; all narrow places shall be cut to the average width of the old channel and the timber cut away for ten feet on either side; all sandy branches and hillside ditches shall be shut out as much as thought to be practicable by the commissioners; that three new commissioners, composed of C. G. Sain, U. S. Wise and C. M. Eaker, be appointed to lay off said work and to appoint overseers to do the same, and that the commissioners shall cause the overseers to come together at some appointed place and make and file sworn statements as to the work done, which said meeting shall be on the last Saturday in November in each year; that the successors to the commissioners shall be appointed, two by the county commissioners of Lincoln County and one by the county commissioners of Gaston County, at their regular monthly meeting in December, one thousand nine hundred and ten, and biennially thereafter, and the said drainage commissioners shall enter upon their duties on the first day of January next following." Directions for
drainage.

New commis-
sioners.

Appointment of
successors to
commissioners.

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

Ratified this the 5th day of March, A. D. 1909

CHAPTER 594.

AN ACT TO FILL VACANCIES IN THE OFFICE OF SHERIFF
OF POLK COUNTY BY APPOINTMENT BY THE GOV-
ERNOR.

The General Assembly of North Carolina do enact:

Governor to
appoint to
vacancies.

SECTION 1. That any vacancy occurring in the office of Sheriff of Polk County, by death, resignation or otherwise, shall be filled by appointment by the Governor of the State.

SEC. 2. That all laws and clauses of laws in conflict with this act, in so far as they relate to the county of Polk, are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 595.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT
STENOGRAPHERS FOR THE EIGHTH JUDICIAL DIS-
TRICT OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Resident judge to
appoint stenog-
rapher.

SECTION 1. That it shall be the duty of the resident Judge of the Eighth Judicial District of North Carolina, as soon after the ratification of this act as practicable, to appoint a court stenographer for said judicial district, who shall be an officer of the court, and he shall attend at all the regular or special terms of the Superior Court held in any of the counties composing said judicial district.

Stenographer to
be sworn.

SEC. 2. Before entering upon the discharge of the duties of his office, such stenographer shall take and subscribe an oath to faithfully, correctly, honestly and conscientiously discharge the duties of his office as official court stenographer, as defined by this act.

Matters to be
taken by
stenographer.

SEC. 3. Such official stenographer shall take full stenographic notes in every case tried or heard during any term of said Superior Court held in any of the said counties composing the said Eighth Judicial District, of all the oral testimony, the admissions made by either party to the action or controversy, 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 mat-

ters controverted by the 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, and take such notes as he may be requested by the presiding judge at chambers. Except when excused therefrom, by consent of parties and the direction of the presiding judge, such official stenographer shall furnish a typewritten copy of his stenographic notes of the evidence and the proceedings had to the court, and one copy to counsel of each side, in all cases, when practicable or when directed by the court. Copies to be furnished.

SEC. 4. 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. Record on appeal.

SEC. 5. In case of the unavoidable absence of the official stenographer the Judge of the Superior Court presiding in said district shall have authority to appoint some competent stenographer in the place of said official stenographer for the time of said official stenographer's absence, who shall have the same duties and receive the compensation of the official stenographer for the time the official stenographer is absent. Such person so appointed shall take and subscribe the oath prescribed for the official stenographer before entering upon the duties of his office. Substitute stenographer.

SEC. 6. The official stenographer shall hold office for two years from his appointment, unless removed by the resident judge of said district for cause, and in case of a vacancy from any cause the resident judge shall proceed to fill the vacancy. The said resident judge of said district shall have authority to remove any such official stenographer for cause. Term of office.

SEC. 7. That the said official stenographer shall receive the sum of twenty-five dollars per week or fraction of a week for each court in which he serves, the same to be paid by the county in which such court is held in said Eighth Judicial District. The Judge of the Superior Court presiding in said judicial district shall quarterly furnish said official stenographer and any stenographer appointed by said judge during the temporary absence of said official stenographer, as herein provided, a certificate setting forth the time of such stenographer's service, as provided by this act, for each county composing the said district, and upon receipt of such certificate it shall be the duty of the respective boards of county commissioners of the counties aforesaid to make an order in favor of said stenographer upon the treasurer of their respective counties for the salary of said stenographer for such quarter, as provided by this act. Pay of stenographer.

Fees taxed as costs.

SEC. 8. In all the counties composing the Eighth Judicial District of North Carolina there shall be taxed as a part of the costs of the case for stenographer's service the following fees: In all criminal actions where costs are not taxed against the county, two dollars; in civil actions where a jury is impaneled and the demand does not exceed five hundred dollars, three dollars; and in civil actions where a jury is impaneled and the demand exceeds five hundred dollars, such amount shall be fixed by the judge presiding. Said costs shall be collected by the clerk of the court and paid to the treasurer of the county for the benefit of the said county: *Provided*, this act shall not apply to the county of Chatham or Union, in said Eighth Judicial District: *Provided further*, that the stenographer employed under this act shall serve at any term of the Chatham or Union Superior Court when called on by the clerk of said court, and when so serving shall receive the salary per week as hereinafter provided, to be paid by the said county of Chatham or Union.

Fees to use of county.

Proviso: Chatham and Union counties excepted.

Proviso: service in excepted counties.

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 said judicial district 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.

Copy of stenographer's notes evidence.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 596.

AN ACT FOR THE RELIEF OF W. A. SUMMERS, EX-SHERIFF OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

Years.

SECTION 1. That W. A. Summers, ex-Sheriff of Iredell County, be and he is hereby authorized and empowered to collect all taxes which he may have failed to collect and which were due for the years one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven, under the same rules and regulations now provided by law or may hereafter be provided for the collection of taxes.

Authority to cease.

SEC. 2. That the power and authority herein conferred shall cease and determine on May thirty-first, one thousand nine hundred and ten.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds the sheriff's tax receipt for said tax or who shall make affidavit that said tax has been paid, nor shall any purchaser for value, *cestui que trust* or mortgagee, without notice of such arrears of taxes due on the land, be compelled to pay any arrears of taxes under this act. Persons not compelled to pay.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 597.

AN ACT TO AMEND SECTION 3316 OF THE REVISAL OF 1905, RELATING TO THE KILLING OF UNMARKED LIVE STOCK IN THE WOODS OR RANGE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and sixteen (3316) of the Revisal of one thousand nine hundred and five be and is hereby amended by adding at the end thereof the words "and Tyrrell." Section extended to Tyrrell county.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 598.

AN ACT TO REGULATE THE WORKING OF THE PUBLIC ROADS OF DUKE TOWNSHIP IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Road Supervisors of Duke Township, Harnett County, shall meet and organize as early as practicable after the ratification of this act by electing from their number a chairman, secretary and treasurer: *Provided*, that any two of said offices may be held by the same person; that said board of supervisors may in its discretion appoint either one overseer, who shall have the general oversight of the working of the public roads of the entire township, or may divide the roads of said township into sections, assigning the overseer and road hands to each section, as now provided by law: *Provided*, that any member of said board may be appointed overseer if the board shall so determine. Supervisors to meet and organize.
Organization.
Proviso: duplication of offices.
Appointment of overseer.
Division of roads.
Proviso: member of board may be overseer.

- Road duty. SEC. 2. That all able-bodied persons residing in said township subject to road duty under the general road law shall be required to work the public roads of said township, on being notified by the overseer to whom they have been assigned, for six days in each year, under the pains and penalties prescribed by the general road law for failure to work the public roads, or in lieu thereof shall pay to the treasurer of said board of supervisors an annual tax of not exceeding two dollars (\$2), to be fixed by said board of supervisors, and upon payment of said tax the persons paying the same shall be exempt from road duty, said tax to be due and payable on the first day of July in each year: *Provided*, that any person becoming liable to work the public roads of said township after the first day of July may be relieved from the payment of a just proportion of said annual tax under rules and regulations to be fixed by said board of supervisors.
- Commutation.
- Proviso: persons becoming liable.
- Powers of supervisors. SEC. 3. That the board of supervisors may employ all needful overseers and hands for the working of said roads, and fix their compensation; may purchase machinery, tools and equipments, and generally do all things necessary for the proper working of the public roads of said township; and the said board of supervisors may make all needful by-laws for the successful working of said roads, for the conduct of employees, for the summoning of persons liable to road duty and for the collection and disbursement of moneys coming into the hands of said board or its officers.
- SEC. 4. That all laws and clauses of laws inconsistent with this act be and the same are hereby repealed.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1909.

CHAPTER 599.

AN ACT TO AMEND CHAPTER 111, PUBLIC LAWS OF 1893, RELATIVE TO COTTON WEAIGHER IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

- Cotton weigher for township. SECTION 1. That section four, chapter one hundred and eleven of the Public Laws of one thousand eight hundred and ninety-three, be amended as follows: Strike out the word "town," in line three of section four, and insert in lieu thereof the word "township."
- Purchase or sale by other weights a misdemeanor. SEC. 2. Add at the end of section four of the above act: "That any person who shall buy or sell any cotton in Albemarle Town-

ship, in bales of three hundred pounds or more, by any other weight than that of the cotton weigher aforesaid, shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 600.

AN ACT TO AMEND CHAPTER 285 OF THE PUBLIC LAWS OF 1899, RELATIVE TO RUNNING SAWDUST INTO CERTAIN STREAMS IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eighty-five of the Public Laws of one thousand eight hundred and ninety-nine shall not apply to Meadow Creek and Gap Creek, in Stony Fork Township; Elk Creek, in Elk Township, and Beaver Dam Creek, in Beaver Dam Township, and all of their tributaries, in Watauga County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 601.

AN ACT TO PROTECT THE SANITARY CONDITION OF CERTAIN FREE-SCHOOL ROOMS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to expectorate upon the floors or walls of certain free-school rooms which are situated in Chicod Township, in Pitt County, North Carolina, and designated as the McGowan and Mills schoolrooms. Expectoration on floors or walls unlawful.

SEC. 2. Any person or persons violating the provisions of this act shall be liable to a fine of not less than one dollar nor more than five dollars. Fine for violation of law.

Duty of school trustees.

SEC. 3. It shall be the duty of the school trustees of said free-school districts to see that the provisions of this act are properly executed.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 602.

AN ACT TO AMEND SECTION 1882 OF THE REVISAL OF 1905, RELATIVE TO HUNTING SQUIRRELS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That section one thousand eight hundred and eighty-two of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the end thereof: "Hertford County, from the first day of March to the fifteenth day of October: *Provided*, that nothing in this act shall prevent the owner or the actual tenant of the owner of growing crops from killing squirrels when such squirrels are upon the crop of such owner or tenant, in the act of destroying same."

Proviso: squirrels destroying crops.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 603.

AN ACT TO AMEND THE PRIMARY LAW OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seventy-four (374), Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by adding another section to said act, which section shall be numbered section seventeen, and which shall be as follows:

Holding primary discretionary.

"Sec. 17. This act shall not be in force until the same be approved and adopted by the executive committee or other governing body of the several political parties, respectively: and the said executive committee or other governing body of said political

parties, respectively, shall, in the exercise of their discretion, determine whether or not a primary shall be held by such political party for the nomination of county officers, as herein provided; but if the said executive committee or other governing body shall determine to hold a primary, then such primary shall be held and conducted according to the provisions of this act." If held, to be held under provisions of act.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 604.

AN ACT TO AMEND SECTION 3769 OF THE REVISAL OF 1905, RELATIVE TO WIRE FENCES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and sixty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "Haywood." Section repealed as to Haywood county.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 605.

AN ACT TO ALLOW H. D. DEAN, EX-SHERIFF OF MACON COUNTY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That H. D. Dean, ex-Sheriff of Macon County, be and is hereby authorized and empowered to collect the arrearage of taxes due by persons in said county of Macon for the years one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, under the laws existing for such years, with full powers to levy and distraint for taxes under the law in force in said years, in all respects as if the said taxes were now due. Collection of arrears authorized. Years.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 606.

AN ACT TO AMEND SECTION 2785 OF THE REVISAL OF 1905, SO AS TO INCREASE THE PER DIEM OF THE COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO THREE DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Law extended to
Granville and
Onslow counties.

SECTION 1. That section two thousand seven hundred and eighty-five of the Revisal of one thousand nine hundred and five be amended by inserting in line fifteen of said section, between the words "Buncombe" and "not," the words "Granville and Onslow."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 607.

AN ACT TO APPOINT AN ENGINE INSPECTOR FOR ASHE COUNTY.

The General Assembly of North Carolina do enact:

Appointment
authorized.

SECTION 1. That the Board of Commissioners of Ashe County be and are hereby authorized to appoint some competent person engine inspector for said county for a term of two years, whose duty it shall be to visit and inspect and test all steam engines and boilers in said county at least once each year and give the owner of same a statement as to its condition.

Term.
Duty.

Inspector's fee.

SEC. 2. The inspector's fee shall be paid by the owners of said engines and boilers and shall be fixed by the commissioners.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 608.

AN ACT CONCERNING THE DRAWING OF JURORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Jury lists of
townships.

SECTION 1. That the Board of Commissioners of Columbus County shall cause the names of their jury list for each township in said county to be placed in a partition marked "Number One" of a township's box procured for that purpose, which must have

two divisions, marked "Number One" and "Number Two," respectively, and two locks, the keys of which must be kept according to law.

SEC. 2. That in drawing the jurors for all courts to be held in said county the said board is empowered and directed to draw and name as a juror at least one name from each township in said county, the number, more than one, to be drawn from each township, to be left in the discretion of the board. One juror at least from each township.

SEC. 3. That as the names are drawn from the partition of each box they shall be placed in the other partition of said box, and that said names shall be drawn from the partition marked "Number One" of said box and put in the partition marked "Number Two" of said box. Names drawn from partition one. Returned to partition two.

SEC. 4. That upon the partition marked "Number One" of any box becoming exhausted the said board shall transfer the contents of the partition marked "Number Two" of said box to the partition marked "Number One" and proceed as authorized above. Contents transferred.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 609.

AN ACT TO AUTHORIZE BLADENBORO TOWNSHIP. IN BLADEN COUNTY, TO ISSUE BONDS FOR THE IMPROVE- MENT OF THE PUBLIC ROADS OF THE SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Bladen County, for the purpose of laying out, establishing, grading and improving the public roads and thoroughfares of Bladenboro Township, in the county of Bladen, are authorized and empowered to issue bonds, bearing interest at a rate not exceeding six per cent per annum, to the amount of ten thousand dollars, which bonds shall be of the denomination of five hundred dollars each, to each and every of which bonds shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until said bonds shall mature, and shall be paid at the office of the Treasurer of Bladen County, at Elizabethtown, North Carolina. The bonds so issued by the said commissioners shall be numbered consecutively from one to twenty, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment Bond issue authorized. Interest. Amount. Denomination. Coupons receivable for taxes.

Maturity of bonds.	of taxes levied under this act. The bonds shall run for a period of twenty years, and after ten years one-tenth of said bonds may be redeemed before maturity, as hereinafter provided. The said bonds so issued by the commissioners of Bladen County shall be paid by Bladenboro Township, in Bladen County, and shall not be chargeable against any other property or polls of citizens of the county which lies outside of said township.
Bonds to be paid by township.	
Authentication of bonds.	SEC. 2. That the said bonds shall be issued under the signature of the chairman of the Board of County Commissioners of Bladen County, attested by the official seal and the signature of the Register of Deeds of Bladen County, and the chairman of the board of county commissioners shall, under the direction of the county commissioners, dispose of said bonds as a necessity for the prosecution of the laying out, establishing, grading and improving the public roads and streets of Bladenboro Township may require, at a sum not less than their par value: <i>Provided</i> , that if the said bonds can be sold at or above their par value, at a rate of interest not exceeding five per centum per annum, it shall be the duty of the said chairman of the board of commissioners to sell them: <i>Provided further</i> , that the said bonds shall be issued and sold only for the purpose indicated herein.
Sale of bonds.	
Sale at not less than par. Proviso: rate of interest.	
Proviso: specific appropriation.	
Tax for interest.	SEC. 3. That for the purpose of paying the interest as it falls due on said bonds it shall be the duty of the county commissioners to levy and cause to be collected annually as other county taxes are levied and collected, for ten years after the issue of the bonds, a tax upon the real and personal property of Bladenboro Township, Bladen County, not exceeding twenty cents on the one hundred dollars' worth of property and sixty cents on the poll of persons in said township liable for poll tax, and at the end of ten years it shall be the duty of the commissioners of Bladen County, for the purpose of paying the interest on said bonds and providing a sinking fund for their redemption, to levy and cause to be collected annually as other county taxes are levied and collected a tax upon the real and personal property of Bladenboro Township not exceeding thirty cents on the one hundred dollars' worth of property and ninety cents on the poll of persons liable to poll tax.
Rate.	
Tax for interest and sinking fund.	
Rate.	
Bonds subject to call.	SEC. 4. That in order that the commissioners of Bladen County, acting for Bladenboro Township, may use the excess of the funds raised by taxation under this act, after paying the annual interest accrued on said bonds, they are authorized and empowered, after ten years from the issue of said bonds, to purchase one-tenth of all the bonds issued, at a sum not exceeding their par value; and in case no holder of said bonds shall offer to sell one-tenth of them, then the said commissioners are authorized and required to designate such bonds, not exceeding one-tenth of the whole number issued, as they may desire to purchase; and after the designation of such bonds and a notice thereof given through a

newspaper published in Bladen County, if the holder of the bonds neglects or refuses to surrender the same and receive their par value, with interest accrued thereon at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act only when the conditions are expressed upon the face of the bonds.

Cessation of interest.
Proviso: conditions expressed on face of bonds.

SEC. 5. That the commissioners of said county shall provide a record, which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased and the amount received for said bond. They shall cause to be kept a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire, in the presence of the board of commissioners, by some one of their number or by their clerk under their direction.

Record of bonds.

SEC. 6. That the funds derived from the sale of the bonds hereinbefore provided for shall be placed in the hands of the county treasurer, and shall by him be kept separate and apart from other moneys in his hands, and shall be paid out only upon the order of the county commissioners, whose clerk shall sign all orders so drawn on the treasurer by order of the said commissioners. The county treasurer shall execute a good and sufficient bond, in a penal sum double the amount of money placed in his hands for road purposes in Bladenboro Township, conditioned for the faithful accounting for all such moneys received by him. The said bonds shall be accepted by the county commissioners when approved by the said commissioners, and shall be recorded and kept as the bonds of other county officers are required to be kept. The said clerk of the Board of Commissioners of Bladen County shall keep a separate order book, with stubbs, on which he shall enter a memorandum of each order drawn, showing page, amount paid and the purpose for which it was paid.

Funds kept separate.

Road orders.

Bond of county treasurer.

Order book.

SEC. 7. That the Board of Commissioners of Bladen County shall use the funds derived from the sale of bonds in laying out, establishing, grading and improving the public roads and streets of Bladenboro Township, and they may at their discretion work the convict labor assigned to work on the public roads, or such other labor of convicts as they may be able to obtain, either by direct sentence of the several courts of the State or from the penitentiary authorities.

Use of funds.

Convict labor.

SEC. 8. That the board of county commissioners of said county may use the road machinery now owned by the town of Bladenboro, and they shall have the power and authority to buy such additional machinery and tools, stock, material or other appliances necessary for the prosecution of the working and improvement of the public roads and streets as they may deem proper.

Road machinery.

Appointment of
road commis-
sioners.

Powers of com-
missioners.

Proviso: altera-
tion of streets.

Proviso: work on
streets.

Right to enter on
land for materials.

Agreement and
payment for
damages.

General road law
not repealed.

Convicts sen-
tenced to road
work.

Convicts from
other counties.

Election on ratifi-
cation of act.

SEC. 9. That the board of county commissioners shall appoint three competent road commissioners for Bladenboro Township, who, under the direction of the board of county commissioners, shall direct the laying out, establishing, grading and improving the public roads and streets into which the said public roads enter, coming into the town of Bladenboro to the center of the town: *Provided*, they shall not alter or change the location of any street within the town of Bladenboro without the consent of the board of commissioners of the town of Bladenboro: *Provided further*, that in working the streets of Bladenboro they shall consult with the commissioners of the town of Bladenboro and act under their direction and not with the commissioners.

SEC. 10. That for the purpose of establishing any public road in said township and for working and grading it, the road commissioners shall have the right to enter upon the land or lands of any person or persons over whose land the said road shall be laid out, or over which it has been laid out, and open the road, remove dirt, earth or any other material therefrom, with as little injury as possible thereto, and they may agree with the owner or owners as to the damage done, and the damages so agreed on by them, in writing, shall be presented to the board of commissioners for payment, and when approved by the commissioners shall be paid by the treasurer of the road fund of the said township.

SEC. 11. That this act shall not be construed so as to repeal the general road law for the working of the public roads of Bladenboro Township.

SEC. 12. That should the county commissioners decide that it is expedient to work convict labor on the roads of said township, then it shall be the duty of any judge of the Superior Court holding court in the county of Bladen to sentence all convicts not punished by a fine to work on the public roads of Bladenboro Township whenever such persons may be sentenced on the public roads under the laws of the State; and any judge of a criminal or superior court may sentence convicts from other counties where such courts are held by them, whenever the commissioners of Bladen County shall make application for them to be sentenced to work on the roads of Bladenboro Township.

SEC. 13. That the said Board of Commissioners of Bladen County shall not issue the bonds hereinbefore provided for, or any part thereof, nor shall this act be in force as to any part of it until the commissioners shall have first submitted to the qualified voters of Bladenboro Township, at an election to be held for the purpose, the question of the ratification or rejection of this act, which they are authorized to do at such time as they may deem proper for the best securing the voice of the people in said township upon the question; and if at said election, which shall be

held in the same manner as elections for the county officers, a majority of the qualified voters vote in favor of ratification, then the commissioners may issue said bonds, and this act shall be in full force and effect; but if a majority of the qualified voters of said township who vote, vote in favor of "rejection," then the said commissioners shall not issue said bonds.

SEC. 14. That the county commissioners may, if in their opinion New registration. it shall be necessary to secure a fair and impartial election, order a new registration of the qualified voters of Bladenboro Township to determine the question of a ratification or rejection of this act.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 610.

AN ACT TO DEFINE THE BOUNDARY LINE BETWEEN PASQUOTANK AND CAMDEN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the channel of Pasquotank River, from its mouth to its junction with the Dismal Swamp Canal, shall be the Channel of Pasquotank river dividing line. dividing line between Pasquotank and Camden counties; and the boundary line of Camden County, from the junction of the Dismal Swamp Canal and Pasquotank River to the Virginia line, shall be and remain as it now is.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 611.

AN ACT TO CREATE A RECORDER'S COURT FOR WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The county commissioners of Washington County, Establishment of court authorized. North Carolina, shall have power to establish a court known as the Recorder's Court of Washington County.

SEC. 2. That said court shall be a court of record and shall be Court of record. Recorder. presided over by a recorder, who shall be a licensed attorney at

Election of recorder.	law, of good moral character and in good standing in his profession, and who shall be at the time of his appointment and qualification an elector in and for said county. Said recorder shall be elected by the board of county commissioners at their regular meeting on the first Monday in April in each and every year, and shall hold for a period of one year, and should a vacancy occur in said office the same shall be filled by the said county commissioners as provided for the appointment of the recorder. The said appointee shall hold said office during the remainder of said term. Before entering upon the duties of his office the said recorder so elected shall take and subscribe an oath of office, as is now provided by law for justices of the peace, and shall file the same with the clerk of the Superior Court of said county of Washington, which clerk shall duly record the same. Said recorder's salary shall be determined by the board of county commissioners and paid out of the county funds, upon such vouchers as are now required for the payment of county bills.
Term of office. Vacancy.	
Recorder to qualify.	
Salary.	
Sessions of court. At Plymouth.	SEC. 3. Said court shall be open for the trial of cases in the town of Plymouth on each and every Monday morning at ten o'clock and continue until all business before it is disposed of, and in the town of Roper on Wednesday of each week and continue until all business before it is disposed of; <i>Provided, however</i> , said recorder shall not be required to open court at the time and places above-mentioned after having been notified by the clerk of said court that there is no business returnable before the recorder's court on the day named for its meeting; <i>Provided further</i> , the county commissioners shall have power to change the time and place of holding said court as may appear to be most convenient for the people and recorder.
At Roper.	
At Creswell.	
Proviso: court not opened when no business returnable.	
Proviso: change of sessions.	
Jurisdiction.	SEC. 4. Said court shall have all jurisdiction and power in all criminal cases arising in said county which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have exclusive original jurisdiction of all criminal offenses committed in said county below the grade of felony, as now defined by law.
Removal from justices' courts.	SEC. 5. When upon affidavit made before entering on the trial of any case before any justice of the peace it shall appear proper for said case to be removed for trial to some other justice, as is now provided by the law, said case may be removed for trial to said recorder's court.
Persons bound over to recorder's court.	SEC. 6. In all criminal cases heard by justices of the peace and the other committing magistrates of said county against any person or persons for any offense included in section four of this act, in which probable cause of guilt is found, such person or persons shall be bound in a personal recognizance, with surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such surety such person or persons shall be committed to the common jail of the county to await trial.

SEC. 7. All trials of criminal actions shall be upon warrant issued by the clerk of the said recorder's court. Trials on warrants issued by clerk.

SEC. 8. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and cost, the said recorder shall sentence the said defendant to imprisonment in the common jail of said county, to be worked upon the public roads of Beaufort County or such other counties as may seem most expedient, and in the same manner as criminals now convicted in the Superior Court of said county. All fines imposed shall be collected by the clerk of the recorder's court as is now done in the Superior Court, and where a defendant is convicted and fails to pay the costs the county shall pay such cost as is allowed by law in similar cases before the Superior Court. The clerk of the Superior Court shall be the clerk of the recorder's court and shall appoint such deputies as he may see fit. Sentences.
Collection of fines.
Payment of costs.
Clerk of court.

SEC. 9. Said court shall have all jurisdictions and powers in all civil matters arising in said county which are now or may hereafter be given to justices of the peace. Jurisdiction in civil matters.

SEC. 10. Any person desiring to appeal to the Superior Court in a criminal or civil case from a judgment of the recorder's court shall be allowed to do so in the same manner as is now provided for appeals from the court of the justice of the peace. Appeals.

SEC. 11. That either party, plaintiff or defendant, shall be allowed a jury trial, when demanded, in the same manner as is now provided for before justices of the peace, and the cost for the same shall be taxed on the party against whom judgment is rendered. Jury trials.

SEC. 12. All judgments for the plaintiff rendered by the recorder shall be duly docketed in the office of the clerk of the Superior Court, and executions shall issue thereon as is now provided by law for executions. Judgments docketed.
Executions.

SEC. 13. In all actions and matters where a justice of the peace does not have exclusive jurisdiction the plaintiffs in such action may bring their original suit, either in the Recorder's Court of Washington County or in the Superior Court of Washington County, at their option. Concurrent jurisdiction.

SEC. 14. Nothing in this act shall prevent the recorder elected by the board of commissioners and serving as such in the court hereby established from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by him in his court. Recorder to practice law.

SEC. 15. This act shall be printed at once, upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the Board of County Commissioners of Washington County. Copy of law to be mailed to commissioners.

SEC. 16. This act shall be in force from and after the first Monday in April, one thousand nine hundred and nine. When act effective.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 612.

AN ACT TO PROTECT GAME IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Hunting without
permission of
landowner unlaw-
ful.

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dogs or without gun or dogs on the lands of another without written permission from the owner of the land.

Close season for
opossums and
raccoons.

SEC. 2. That it shall be unlawful to hunt any opossums or raccoons in Yadkin County from January thirty-first to November first.

Misdemeanor.
Punishment.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars and not less than two dollars or imprisoned not more than ten days and not less than five days.

Application of act.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 613.

AN ACT TO REGULATE THE COMPENSATION OF THE
COUNTY OFFICERS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Commission of
sheriff or tax
collector.

SECTION 1. That the Sheriff or tax collector of Rutherford County shall receive in full compensation for his services in collecting the taxes from the taxpayers of said county and paying the same over to the proper custodians of the fund the sum of three per cent commission on the amount collected, and this shall be in lieu of the commission now allowed by law for the collection of said taxes.

Fees and emolu-
ments to be
turned over.

SEC. 2. That the Clerk of the Superior Court, the Register of Deeds and Treasurer of Rutherford 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.
Allowance for
assistance.

SEC. 3. That the clerk of the Superior Court shall receive a salary of one thousand two hundred dollars per annum, and he shall be allowed four hundred dollars for assistance in lieu of all other compensation whatever.

SEC. 4. That the register of deeds shall receive a salary of one thousand two hundred dollars per annum and shall be allowed three hundred dollars for assistants in making tax books and other helps, in lieu of all other compensation whatsoever, except claims for stationery and postage, in the performance of his official duties, when such claim is properly made out.

SEC. 5. That the treasurer of said county shall receive a salary of one thousand dollars per annum in lieu of all other compensation whatsoever.

SEC. 6. That 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 services rendered the county, State or other governmental agencies, and they shall be liable to all pains and penalties now or hereafter provided for failure to perform the duties of their several offices as now imposed by law.

SEC. 7. That all moneys coming into the hands of the Treasurer of Rutherford County by virtue of this act shall be held by him as a separate and distinct fund, and after paying the salaries and allowances provided for in this act the balance shall be used to pay any outstanding claims against said county.

SEC. 8. That the salaries and allowances herein provided for shall be paid by the treasurer of said county, upon warrant, as now required by law, to the aforesaid officers, in monthly installments: *Provided*, that allowances hereinbefore named for assistants shall be paid as such assistance is rendered.

SEC. 9. That the Superior Court Clerk and Register of Deeds of Rutherford County shall be required to turn over to the treasurer of said county all moneys coming into their hands by virtue of this act, and 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.

SEC. 10. That any officer, clerk or assistant herein mentioned who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to this office shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court, and shall be further liable on their official bond for all amounts not properly accounted for.

SEC. 11. That all laws and parts of laws in conflict herewith are hereby repealed.

Salary of register of deeds.
Allowance for assistants.

Salary of treasurer.

Officers to perform duties.

Penalties for failure.

Moneys to be kept as separate fund.
Payment of salaries and allowances.
Balance.

Payment of salaries.

Proviso: payment of allowance for assistance.

Monthly settlements.

Exhibit of books and accounts.

Failure of officers to collect fees a misdemeanor.

Punishment.

Liability on bond.

Law as to sheriff.
When section one
effective.

SEC. 12. That no section of this act except section one shall apply to the Sheriff of Rutherford County. Said section one shall be in force from and after the first Monday in December, one thousand nine hundred and ten: *Provided*, that this act shall not apply to the tax list of the year one thousand nine hundred and ten. All other sections of this act shall be in force from and after the first Monday in December, one thousand nine hundred and ten.

Proviso: tax list
of 1910.
When other sec-
tions effective.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 614.

AN ACT TO AMEND THE PUBLIC LAWS OF 1907, CHAPTER 111, RELATING TO THE HUNTING AND KILLING OF SQUIRRELS IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Former law
repealed.

SECTION 1. That chapter one hundred and eleven, Public Laws of one thousand nine hundred and seven, be and the same is hereby repealed.

Close season.

SEC. 2. That section one thousand eight hundred and eighty-two of the Revisal of North Carolina be amended as follows: After the word "November," in the last line of said section, add the following: "Lenoir, from the first day of March to the fifteenth day of September."

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 615.

AN ACT TO VALIDATE \$5,000 OF BONDS ISSUED BY SURRY COUNTY TO ERECT A COUNTY HOME.

The General Assembly of North Carolina do enact:

Action of county
commissioners
confirmed.

SECTION 1. That the action of the Board of County Commissioners of Surry County in issuing five thousand dollars of bonds of said Surry County, dated January first, one thousand nine hundred and nine, and maturing January first, one thousand nine hundred and twenty-nine, drawing interest at the rate of five per cent per annum, the proceeds of which have been used in building and

paying for a county home for the aged and infirm, is hereby in all respects ratified, approved and confirmed. Said bonds are hereby declared to be valid and binding obligations of said county, and said board is hereby authorized and empowered to pay the interest on said bonds as it matures, and the principal at maturity.

Bonds validated.
Payment authorized.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 616.

AN ACT FOR THE PROTECTION OF FOXES IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to shoot with a gun, trap, kill or in any manner destroy foxes in the county of Alamance, except by chasing them with a dog or dogs.

Killing foxes
except with dogs
unlawful.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars or imprisoned not less than ten nor more than thirty days, in the discretion of the court.

Misdemeanor.
Punishment.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 617.

AN ACT TO AUTHORIZE THE BOARDS OF COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE TO INCREASE THE PENSIONS OF CONFEDERATE SOLDIERS AND THE WIDOWS OF SUCH, AND TO AUTHORIZE SAID BOARDS TO LEVY A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the boards of county commissioners of each county in the State of North Carolina be and they are hereby authorized and empowered for each and every year to levy a special tax, at the same time and in the same manner with the levies of other county taxes, of not exceeding two cents on the hundred dollars valuation of property and six cents on each taxable poll, the constitutional equation between property and poll to be observed each year, if in their discretion such levy be deemed advisable.

Levy of special
tax authorized.

Constitutional
equation.

Collection and
accounting for
tax.

Application of
proceeds.

Reports to state
treasurer.

Report of state
treasurer.

SEC. 2. Such tax shall be collected and accounted for by the sheriff or other tax collector in the same manner and under the same penalties as other taxes levied for said county, and the net proceeds thereof shall be applied each and every year to increase pro rata the pensions of such persons as stand upon the Confederate pension roll of the county for the year for which such tax is levied.

SEC. 3. The amount collected and disbursed under this act shall be reported by the county treasurer or other disbursing officer of the county to the State Treasurer on or before the first day of June in each year, and the State Treasurer's report shall show in a separate column the amount paid by each county annually under this act.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 618.

AN ACT TO VALIDATE CERTAIN SUMMONS AND PROCESS RETURNABLE TO THE NEXT TERM OF THE SUPERIOR COURT OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Process heretofore
issued validated.

Returnable to
March term of
court.

Judgment by
default.

SECTION 1. In all cases pending in the Superior Court of Lee County wherein summons or other process has been issued, returnable to the next term of the said court, at a place to be designated by the commissioners of said county for holding the said court and at a time to be appointed by the Governor of North Carolina, or substantially so, the said summons and other process shall be valid and shall be returnable to the March term, one thousand nine hundred and nine, of the Superior Court of said county, if service thereof shall have been made ten days before the first Monday in March, one thousand nine hundred and nine, and in all such cases the action shall be deemed to have been commenced against any defendant or defendants named therein when the said summons or process was issued.

SEC. 2. In all cases pending in said Superior Court it shall be lawful to have judgment by default, upon verified complaint, in all respects as in cases wherein the summons is returnable to a fixed term of the court.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 619.

AN ACT TO REGULATE FISHING IN ATLANTIC TOWNSHIP, CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to catch fish with seine or set net, or nets of any kind, in the waters of Atlantic Township, between the fifteenth day of April and the twentieth day of October in each year, within the following boundaries in said township: Beginning at a cedar stump standing on the beach north of Caffie's Inlet Life-saving Station and extending a west course five hundred yards from the shore; thence paralleling the shore a southerly course to the Dare County line.

Close season for nets and seines.

Boundaries.

SEC. 2. That it shall be unlawful to set any pound or dutch nets in the waters of said township: *Provided*, that nothing in this act shall prevent the catching or selling of twenty-five pounds of fish on any one day for home consumption.

Pound or dutch nets unlawful. *Provido*: catching and selling fish for home consumption.

SEC. 3. That nothing in this act shall prevent the catching of eels, mullets and herrings at any time during each year; and *Provided*, that nothing in this act shall prohibit fishing at night.

Eels, mullets and herrings.

Fishing at night.

SEC. 4. That any person violating the provisions of this act or any part thereof shall be guilty of a misdemeanor for each and every offense, and upon conviction shall be fined not more than fifty dollars nor less than twenty dollars or imprisoned not more than thirty days.

Misdemeanor.

Punishment.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 620.

AN ACT RELATIVE TO HUNTING IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand four hundred and eighty of the Revisal of one thousand nine hundred and five be amended by adding to the end thereof the following words: "In Wake County prosecution can be maintained only upon complaint of the landowner."

Prosecution only on complaint of landowner.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 621.

AN ACT FOR THE PROTECTION OF DEER IN DARE COUNTY.

The General Assembly of North Carolina do enact:

- Close season. SECTION 1. It shall be unlawful to hunt, kill, capture or in any manner destroy any wild deer between the first day of January and the fifteenth day of November of any year.
- Limit on number to be killed. SEC. 2. It shall be unlawful for any person to capture, kill or in any manner destroy more than five (5) deer during the hunting season of any year.
- Misdemeanor. SEC. 3. Any person found guilty of violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and for each deer killed, captured or in any manner destroyed in violation of this act shall be fined a sum not exceeding fifty dollars or imprisoned not more than thirty days.
- Punishment.
- Application of act. SEC. 4. This act shall apply only to Dare County.
- SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 6. This act shall be in force from and after its ratification.
- Ratified this the 6th day of March, A. D. 1909.

CHAPTER 622.

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

The General Assembly of North Carolina do enact:

- Purpose of issue. SECTION 1. That for the purpose of paying the outstanding and floating debt of the county of Cabarrus, which outstanding and floating debt was incurred by the building of bridges and constructing of macadamized roads and other necessary expenses, the board of commissioners of said county is hereby authorized and empowered to issue bonds of said county to an amount not to exceed one hundred and thirty-five thousand dollars and to be in the denomination of not less than five hundred nor more than one thousand dollars; and said bonds shall be payable to bearer within thirty years from the date of issue, the particular period to be fixed by the board of commissioners aforesaid at the time of the sale of said bonds. The said bonds shall be payable in gold or its equivalent and shall have coupons attached thereto representing the interest on said bonds, which interest shall be payable semiannually, January first and July first, and at such places as said board deem best; and the said bonds and coupons
- Bond issue authorized. Amount.
- Denominations.
- Maturity.
- Bonds payable in gold.

shall be prepared under the direction and supervision of the said board and shall bear interest at the rate of not more than four and one-half per cent per annum. Interest.

SEC. 2. The said bonds and coupons shall be numbered, consecutively, one, two, etc., shall be signed by the chairman of the Board of Commissioners of Cabarrus County, countersigned by the clerk of said board and attested by the official seal of Cabarrus County. Authentication.

SEC. 3. That for the purpose of paying the accrued interest on said bonds and to provide a sinking fund for the payment of the principal when due, the Board of Commissioners of Cabarrus County shall levy and cause to be collected, annually, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding eight cents on each one hundred dollars' worth of property and upon each taxable poll a tax not exceeding twenty-four cents. Tax for interest and sinking fund. Rate.

SEC. 4. No bonds issued under the provisions of this act shall be sold or otherwise disposed of for less than par and accrued interest. Said board of commissioners is hereby authorized to sell or dispose of said bonds in such way as they may deem best. Bonds not to be sold below par. Sale of bonds.

SEC. 5. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the said outstanding indebtedness heretofore incurred for the necessary expenses of the county and to be hereafter incurred for the building of a jail; and the said board of commissioners shall cause the treasurer to keep separate accounts of said funds, so that the condition of the same may at all times be shown: Specific appropriation. Separate accounts. *Provided, however,* 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. Proviso: responsibility of purchaser.

SEC. 6. The treasurer of the county of Cabarrus shall be allowed by said board for disbursing the proceeds arising from the sale of said bonds an amount not to exceed one-half of one per cent on the amount so disbursed. Allowance to treasurer.

SEC. 7. That it shall be lawful for any executor, administrator, guardian, trustee or receiver to invest the trust funds in his hands in said bonds. Bonds lawful investment.

SEC. 8. That the clerk of the board of commissioners of the said county shall provide a record in his office, in which shall be entered and kept the names of every purchaser of said bonds and the number and amount of said bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption; and bonds and coupons, when redeemed, shall be recorded as redeemed, and shall be destroyed by fire, in the presence of the Board of Commissioners of Cabarrus County and Record of bonds.

such other citizens of Cabarrus County as they may select, and a record of such destruction shall be made and dated and signed by said board and other witnesses.

Collection of tax. SEC. 9. That the taxes levied hereunder shall be collected by

Liability of sheriff. the sheriff or other officer charged with the collection of other county taxes, and he shall be in respect thereto liable officially as well as personally, under all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officer for the collection of county taxes shall be sufficient in amount to include the taxes levied and collected hereunder.

Bond of sheriff.

Funding bonds sinking fund. SEC. 10. That in order to provide for the safe-keeping and investment of the funds arising from the taxes levied under this

act, over and above the amount necessary to pay the interest on said bonds, the Treasurer of Cabarrus County shall open upon his books as county treasurer an account to be designated "funding bonds sinking fund," and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said funding bonds sinking fund account, and there kept separate and distinct from all other county funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer is hereby authorized and directed to invest any amount which may belong to said funding bonds sinking fund, from time to time, in the purchase of any of said bonds at a price deemed advantageous by said board of said county, in safe interest-bearing securities, payable to said treasurer for the use and benefit of said sinking fund, said interest not to be less than four and one-half per cent per annum:

Amounts credited to sinking fund.

Investments of sinking fund.

Provided, that no investment of said funds shall be made until the security therefor is approved by the Board of Commissioners of Cabarrus County; and the treasurer shall be liable on his official bond for the faithful and honest performance of the duties imposed upon him under the provisions of this act; and his official bond, after the issuance of said bonds, shall be sufficiently enlarged to the amount necessary to cover said bonds; and *Provided further*, that instead of the investment aforesaid of said funds, to be approved by said board, any amount belonging to said funding bonds sinking fund may by said treasurer, on approval of said board, be loaned to the present banks of Concord, in equal proportions, upon interest certificates of said banks, with interest from date of said certificates at not less than four and one-half per cent per annum, payable semiannually.

Proviso: approval of securities.

Treasurer liable on bond.

Proviso: loans to banks.

County commissioners to call election. SEC. 11. For the purpose of ascertaining the wishes of the voters of Cabarrus County on the question of issuing such bonds as are provided for in this act, the Board of Commissioners of Cabarrus

County shall cause an election to be held in said county at such time as said board of commissioners shall designate and appoint in the year one thousand nine hundred and nine or one thousand nine hundred and ten. At said election all voters in Cabarrus County qualified to vote in said election who favor the purposes of this act shall vote a written or printed ballot with the words "For Bonds" thereon, and those who oppose the purposes of this act shall vote a written or printed ballot with the words "Against Bonds" thereon. If a majority of the voters of Cabarrus County qualified to vote at said election shall vote in favor of the issue of the bonds provided for in this act, then the bonds shall be issued and sold according to the provisions herein contained.

SEC. 12. There shall be a new registration of the voters of said county for said election. The Board of Commissioners of Cabarrus County shall call the election at such time as they may deem proper, and shall, at least sixty days before any such election, notify the county board of elections, who shall appoint one registrar and two judges of election for each precinct for said election, which election shall be held and the returns made and the result declared under the same rules, regulations and restrictions as is provided by law for the election of members of the General Assembly.

SEC. 13. That immediately after the passage of this act the Secretary of State is hereby required to send, without delay, a certified copy of the same to the Register of Deeds for Cabarrus County.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 623.

AN ACT TO AMEND CHAPTER 1005 OF THE PUBLIC LAWS OF 1907, RELATING TO COURT STENOGRAPHERS FOR NASH AND WILSON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one thousand and five of the Public Laws of one thousand nine hundred and seven be amended by striking out, in the sixth line of section two thereof, the words "sections three, four and five."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 624.

AN ACT PROHIBITING THE SALE OF CIGARETTES WITHIN
2 MILES OF GUILFORD COLLEGE, GUILFORD 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, offer for sale or give away cigarettes, cigarette paper or packages of crumb tobacco for making cigarettes within two miles of Guilford College, Guilford County.

Punishment.

SEC. 2. All persons violating any of the provisions of this act shall upon conviction thereof be fined not exceeding fifty dollars (\$50) or imprisoned not more than thirty days.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 625.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS
OF NASH COUNTY AND TO APPOINT J. A. WILLIAMS AND
R. C. GLOVER COMMISSIONERS.*The General Assembly of North Carolina do enact:*Section extended
to Nash county.

SECTION 1. That section one thousand three hundred and eleven (1311) of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the words "Mecklenburg and New Hanover," in lines thirteen and fourteen thereof, the word "Nash."

Commissioners
appointed.
Terms of office.

SEC. 2. That J. A. Williams and R. C. Glover be and they are hereby appointed commissioners of Nash County, with terms of office commencing upon the ratification of this act and continuing until the first Monday in December, one thousand nine hundred and ten, and until their successors have been elected and qualified, whose salary shall be the same as that received by the other commissioners, excepting the chairman.

Salaries.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 626.

AN ACT TO DRAIN THE LOWLANDS OF CLARK'S CREEK
AND ITS TRIBUTARIES, IN LINCOLN COUNTY.

Whereas there are many acres of land on Clark's Creek and its tributaries, in Lincoln County, that have been, are now and are liable to be greatly damaged and diminished by reason of the shallow and narrow channel of said creek and the filling of same, by reason of the limited and sluggish flow of said creek and improper drainage; and whereas, by reason of same, the bottom lands overflow and become wet and soggy, the formation of cesspools and the injured condition of the soil, the health of the community has been greatly injured and much sickness caused thereby; and whereas a conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to lower the channel and bed of said stream, by excavation, the widening and changing the creek and removing the obstruction, giving said creek a better fall and outlet for the water, would thereby greatly remedy and improve the condition of the land, dry and reclaim the wet and overflowed lands, making same productive to cultivation, increasing its value, and more especially improve the sanitary condition and health of the public and community in general; and whereas it is impracticable to do this much-needed work without legislative aid, whereby there can be concentrated effort equally and mutually beneficial to all the owners: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That a commission of three men, to-wit, J. A. Anthony, R. M. Roseman and J. A. Manney, of Lincoln County, North Carolina, and their successors in office, be and they are hereby constituted and appointed a commission for the purpose of carrying out the work suggested in the preamble of this act, to be known as "Clark's Creek Drainage Commission," of Lincoln County, and in that name they shall be a corporation with power to have a corporate seal, sue and to be sued, contract and to be contracted with, and generally to do whatever may be necessary to be done in order to make effectual the drainage of Clark's Creek and its tributaries, in Lincoln County, North Carolina, between the mouth of Clark's Creek and the Catawba County line, which said power and authority shall embrace the right to purchase all necessary machinery, dredging machine, tools, appliances and other material to carry out said work, and to issue the note or bond of the obligation of said corporation or commission, in an amount not exceeding fifteen thousand dollars, payable in amounts to be fixed by said commission and at stated intervals, not exceed-

Preamble.

Preamble.

Preamble.

Preamble.

Commissioners named.

Corporate name.

Corporation.

Corporate powers.

Powers in regard to drainage.

Bond issue authorized.

Amount.

Maturity.

ing ten years, to be fixed by said corporation or commission, and said commission or corporation shall be possessed of all such powers as are usually granted and pertain to corporations.

Commission to meet and organize.
Organization.

SEC. 2. Said commission or corporation shall meet and organize as soon as possible, and at the first meeting shall elect one of their number chairman, another vice chairman and another secretary, and may elect an outsider treasurer or may consolidate the offices of secretary and treasurer, and in that event elect one of their number secretary and treasurer, and shall direct the secretary to procure necessary books upon which to keep a perfect record of all dealings and transactions of said commission or corporation, and shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work, and fix their compensation and date of payment, and to execute the obligation or note of said corporation for the payment of same in the name of said corporation, and shall also have the authority, in the discretion of said commission, to contract for the whole of said work or a part of same, and to enter in contract for letting of same and the payment of said work, and to employ counsel.

Superintendent or overseer and hands.

Work may be let to contract.

Estimate of land to be benefited.

SEC. 3. The said commission shall make a just estimate of all lands along Clark's Creek and its tributaries, within Lincoln County and within the terminal points mentioned and designated in section one, that will in their judgment be benefited, either generally or specially, by the work proposed and contemplated to be done, and make a list of the owners of said lands, with the estimated number of acres to be benefited by each owner; and in making said estimate the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of Clark's Creek, the measurement to be air line and at right angles to center of said creek upon either and both sides of said creek and upon tributaries of Clark's Creek, extending up said tributaries from point where same empties into Clark's Creek for a distance of one and one-half miles, and all lands upon said tributaries and within one-fourth of a mile of the center of said tributary streams measured at right angles and air line from center of said tributary streams on either and both sides of same, and shall be measured and estimated, and said commission shall make a just estimate of all lands on Clark's Creek and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specially, and both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount, in accordance with the special benefits. Said commission is further authorized and empowered to employ a competent engineer to do

List of owners and number of acres.
Lands subject to estimate.

Special benefit considered.

Employment of engineer.

such surveying as is necessary and desired by said commission and as may be required by this act. That the boundary as herein described and designated be and the same is established as a drainage district: *Provided*, that any lands within the corporate limits of the town of Lincolnton shall not be subject to assessment: *Provided, also*, that the lands and property of the Elm Grove Cotton Mills shall not be subject to assessment.

Boundary made a drainage district.

Proviso: land in Lincolnton not liable to assessment.

Proviso: lands and property of Elm Grove cotton mills exempt. Commission to examine and classify land.

SEC. 4. It shall be the further duty of the said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from the canaling and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of benefits it will receive by the contemplated improvements. The land benefited shall be separated into five classes: The land receiving the highest benefit shall be marked "Class A," that receiving the next highest benefit "Class B," that receiving the next highest benefit "Class C," that receiving the next highest benefit "Class D," and that receiving the smallest benefit "Class E." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated, as nearly as practicable, and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commissioners or found by them shall be in the ratio of five, four, three, two and one—that is to say, as often as five mills per acre is assessed against the lands in "Class A," four mills per acre be assessed against the lands in "Class B," three mills per acre in "Class C," two mills per acre in "Class D," and one mill per acre in "Class E." This shall form the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the lands, they shall give notice at the courthouse door in Lincolnton, Lincoln County, and by posting notice at five points along the line of Clark's Creek, appointing a day on which said board of commissioners will meet at the courthouse in Lincolnton, Lincoln County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days' time or notice of said meeting, at which time the said commission will sit as a body to hear and determine all complaints that may be filed with them, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper assessment

Matters for consideration.

Land separated into five classes.

Ratio of assessment.

Notice for hearing.

Commission to hear and determine complaints.

Powers of commission at hearing.	against said complainants and fix the assessment against all the lands within the radius mentioned and set forth in section three of this act; and said commission shall have the power and authority to issue subpoenas for witnesses and hear their evidence and punish for contempt of their proceedings or court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said commission or court shall have the right of appeal, at said time or within ten days thereafter, to the Superior Court of Lincoln County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party appealing being required to give bond in the sum of two hundred dollars, to pay all costs and assessments adjudged and awarded against him or them upon said appeal. Said appeal shall have priority in point of trial upon appeal to the Superior Court and shall stand for trial at the next term of said court, by reason of its public nature.
Right of appeal.	
Prosecution of appeal. Bond on appeal.	
Priority of appeal.	
Assessment roll.	SEC. 5. After the classification of the land and the ratio of assessments of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the boards shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof, shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office, and the other delivered to the sheriff or other county tax collector of Lincoln County, which said roll shall show the name of the owner, the number of acres of land upon which assessment has been made and the amount due by said landowner, and there shall be appended an order to collect the said assessments and amounts so certified, and same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff for collection. After said commission has assessed the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessments as
Amount to be paid by lands benefited.	
Apportionment of assessment.	
Drainage roll in duplicate.	
Copy filed.	
Copy delivered to sheriff.	
Order to collect assessments.	
Assessments collected as taxes.	
Limit of annual assessment.	

made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre, until the whole thereof is paid or said contemplated improvement completed, or if the total cost of the work is less than an average of five dollars per acre on all the lands in the district the assessment made against the several tracts can be collected in one installment, in the discretion of the commission, or in two or three installments, in the discretion of said commission, by the officer as herein directed, in the same manner as State and county taxes are collected and payable. In case the total assessment exceeds the average of five dollars per acre, or even one dollar per acre, or fifty cents per acre, the said Clark's Creek Drainage Commission may give notice of three weeks by publication in some newspaper in Lincoln County, North Carolina, if there be one, and also by posting a written or printed notice at the courthouse door in Lincoln County and five conspicuous places in the drainage district that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable, not exceeding in amount fifteen thousand dollars, nor exceeding the amount of assessed benefit for said work and improvement contemplated, which said issues of bonds shall be for a period from date of same not more than ten years, bearing six per cent interest. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessments and have his land released therefrom. Neglect to pay same to the treasurer within said time shall be deemed as consenting to the issuing of said bonds, and in consideration of the right to pay his assessments he thereby waives his right to any defense against collection of said assessment because of any irregularity, illegality or defect prior to that time, except in the case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term "person," as used in this act, includes firm, company or corporation. At the expiration of thirty days after the publication, the Clark's Creek Drainage Commission may issue bonds for the full amount of the assessments not paid in to the treasurer, with the interest thereon, costs of collection or other incidental expenses; the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments of not exceeding ten years, to be fixed by said commission. The said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of Clark's Creek Drainage Commission and shall be signed by its chairman and attested by the secretary and the official seal

Assessment collected in installments.

Notice for issue of bonds.

Amount.

Maturity.

Interest.

Land released on payment of assessment.

Consent to issuance of bonds. Waiver of defense against assessment.

Person defined.

Bond issue authorized.

Interest.

Bonds payable in installments.

Coupons.

Authentication of bonds.

Specific appropriation.	of said corporation attached, and said bonds issued shall be for the exclusive use of the prosecuting and carrying on the improvement and work contemplated herein, and shall be sold by the commission for not less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond and where payable, and shall set out specifically the lands embraced in the district on which the tax has not been paid in full (tax herein meaning assessment upon benefits) and which land is assessed for the payment of the bond issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for the payment of said bonds and the interest thereon as they become due, and shall be collected in the same manner by the same officers as the State and county taxes are collected. If any installment of principal and interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said commission and corporation of said district, wherein the court may issue a writ of <i>mandamus</i> against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a tax or special assessment, as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installment of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds
Bonds not to be sold below par. Record of bonds.	
Priority of lien of assessments.	in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or other tax collector of said county shall be liable for the faithful performance of the duties herein assigned him, and such official bond may be increased by the board of county commissioners to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet said bonds at maturity and to pay the interest on same, they are authorized, instead of collecting from the said lands so assessed for the benefits to be derived by said improvement in one full sum, to assess and collect annually a pro rata part of said assessment or a sufficient sum, and levy upon the benefits to each landowner an amount annually to meet said interest and create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission are authorized to loan same and apply the interest so collected to said sinking fund, and continue to do so until said bond issue
Enforcement of payment by mandamus.	
Right of action on official bonds.	
Liabilities of bonded officers.	
Increase of bond authorized.	
Annual assessments for interest and sinking fund.	
Investments of sinking fund.	

shall be discharged; and in the event said commission desire to pay off said bond issue before maturity, they may assess a sufficient sum, and collect, as will pay the interest and one-fifth of said bonds issued annually until fully paid and discharged, and in that event said commission may pay off such bonds as the holders thereof may consent to, or in the event the holder shall refuse to surrender said bond at par, with accrued interest, said commission may designate the number of the bond it will pay and publish same in some newspaper published in Lincoln County, and from said date said bond shall fail to bear interest: *Provided*, the said bonds shall be affected with the conditions of this provision only when said conditions are expressed upon the face of the bonds.

Bonds subject to call.

Proviso: condition expressed on face of bonds.

SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same, and to that end shall have the power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of State and county taxes, and shall pay over the same to the treasurer of said corporation or commission and take his receipt therefor.

Sheriff to collect assessments.

Power and remedies. Compensation.

SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and file with the records of their board, and shall pay said treasurer out of the funds the sum of two per cent upon amounts paid out by him, and shall allow to each member of the commission the sum of one dollar, for each and every day actually served, for his compensation for services rendered, to be paid out of said fund. That all orders upon the treasurer shall be signed by the chairman and attested by the secretary.

Bond of treasurer.

Pay of treasurer.

Pay of commissioners.

Orders on treasurer.

SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said water course shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said stream and change same at such points and places as may seem to them to be for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all such growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water, and shall have the right from time to time, its agents and employees or contractors, to enter upon any lands along said water course and tributaries for the purpose of carrying out the improvement and work contemplated in this act, and shall have, after the completion of same, the right to enter upon said lands at any time for the purpose of performing any work in making repairs and

Details of work.

Right of entry on lands.

Work to have preference.

clear of obstruction all growth or matter interfering with the free flow of the water. But in doing this work they shall give attention first to the widening and lowering and excavating the bed of said stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

Commissioners to meet and qualify.

SEC. 9. It shall be the duty and obligation of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies from whatever source or cause shall be filled by the Board of County Commissioners of Lincoln County, North Carolina.

Right to resign.

Office declared vacant.

Vacancies filled.

Right of condemnation conferred.

SEC. 10. If it shall be necessary to acquire a right of way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creek for the betterment of the flow of the water and the improvement of the objects and purposes of this act, and in either event the same cannot be acquired by purchase, then and in that event the power of eminent domain is hereby conferred and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights of way for railroads in chapter sixty-one of the Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of sale of bonds or from collection of the assessments upon benefits; and every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein contemplated by this act.

Procedure for condemnation.

Payment of damages.

Right of land-owners to use of work.

SEC. 11. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said lands, and if said lands are separated from the creek by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may cross their lands and construct said drain or ditch, he may file petition with said commission herein appointed and constituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission appointed.

Procedure to obtain access.

SEC. 12. That the said Clark's Creek Drainage Commission shall have the power and right, at their discretion, to elect or appoint a superintendent of the construction of said work and improvement, and to fix his compensation and bond for the faithful performance of same.

Superintendent of construction.

Compensation and bond.

SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract or by sections, to be laid off by said commission, and to contract for the same, or it may do the work and improve-

Power to let work to contract.

ment by purchasing a dredging machine or other machinery and hiring labor under the committee's supervision or that of a superintendent. In event said commission shall decide to let said work to bidders, for the whole or by sections or any part of same,

Work under supervision of committee.

the successful bidder shall be required to enter into a contract with the Clark's Creek Drainage Commission and to execute bond for the faithful performance of such contract, with sufficient sureties in favor of Clark's Creek Drainage Commission, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Clark's Creek Drainage Commission against such contractor and his bond in the Superior Court for damages sustained, and recovery made against such contractor and his sureties.

Contractors to give bond.

Action on bonds.

SEC. 14. That said Clark's Creek Drainage Commission shall have full power and authority to remove any public highway bridge across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work, and on account of the public nature of said work and the general benefit to the health of the community the costs of replacing said bridges shall be borne and paid by the county of Lincoln, and the county commissioners of said county shall have said bridges replaced and paid out of the general county funds.

Power to remove bridges.

Costs of replacing bridges.

SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Clark's Creek Drainage Commission, and it shall be the duty of said commission to keep said water course in good repair and open, and for this purpose may levy an assessment on the lands benefited by the construction of such improvement, in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said water course in perfect order: *Provided, however,* that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent or employees, or if the same is caused

Improvement when completed under supervision of commission. Water course to be kept in good repair and open. Assessment for repairs.

Proviso: repairs made necessary by acts of individual landowner.

by the cattle or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commissioners.

Injury to works a misdemeanor.

SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding twice the damages or injury done or caused.

Punishment.

Right of entry on lands.

SEC. 17. That said commission or any of its agents, officers, employees or contractors shall have the right to enter upon the lands adjoining said work at any time for the purpose of said improvement, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

Work at discretion of commission.

SEC. 18. That, subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, and more especially the health of the community in general, until the whole of said work shall be completed and the health of the community benefited and improved.

Punishment for obstructing water course or interfering with work.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days, for any person or persons, firm or corporation to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and lands.

SEC. 20. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 21. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 627.

AN ACT TO AUTHORIZE THE COUNTY BOARDS OF EDUCATION OF MOORE AND LEE COUNTIES TO EXECUTE TO THE STATE BOARD OF EDUCATION RENEWAL NOTES FOR MONEYS BORROWED FOR THE PURPOSE OF BUILDING PUBLIC-SCHOOL HOUSES.

Preamble.

Whereas there is now due the State the sum of three thousand seven hundred and sixty-six dollars and ninety-two cents from the Board of Education of Moore County, the said sum including in-

terest calculated to the date the same becomes due, for money borrowed under the provisions of chapter five hundred and sixty-seven of the Public Laws of one thousand nine hundred and three for the building of schoolhouses; and whereas, of that sum two thousand one hundred and twenty-seven dollars and sixty cents were expended for schoolhouses in that part of Lee County formerly constituting a part of Moore, before the creation of Lee County, and the notes taken from the school districts in such portion of Lee County evidencing the same have been delivered to the Board of Education of Lee County; and whereas the balance of said sum so due the State was expended for schoolhouses in the county of Moore, as now constituted; and whereas, of the sum of five hundred and eighty-two dollars and fifty-four cents, in addition to the amount aforesaid due on February tenth, one thousand nine hundred and nine, and at that time paid the State by Moore County under the provisions of said act, the sum of three hundred and thirty-two dollars and eighty cents was spent for school buildings in that part of Lee County formerly constituting a part of Moore:

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Lee County be and it is hereby authorized and directed to execute to the State Board of Education, under the provisions of chapter five hundred and sixty-seven of the Public Laws of one thousand nine hundred and three, notes in the sum of two thousand one hundred and twenty-seven dollars and sixty cents, and the County Board of Education of Moore County is authorized and directed to execute to the State Board of Education notes, under the provisions of said act, in the sum of one thousand six hundred and thirty-nine dollars and thirty-two cents, the said two notes to be due and payable, ratably and in proportion to their amounts, at the times the indebtedness to the said State Board of Education is now due from the County Board of Education of Moore County, and upon the deposit of said notes with the State Treasurer the said treasurer shall thereupon cancel the notes, now held by him, executed by the County Board of Education of Moore County and deliver the same to said county board.

Notes to be executed by board of Lee county.

Amount.

Notes to be executed by board of Moore county.

Amount.

Notes to be canceled.

SEC. 2. That the notes so executed by the respective boards of education of Lee and Moore counties shall be valid and binding against said counties, respectively, as provided by the terms of said chapter five hundred and sixty-seven of the Public Laws of one thousand nine hundred and three and any amendments thereto.

Notes to be binding on counties.

SEC. 3. That the County Board of Education of Moore County be and it is hereby authorized and empowered to retain out of any moneys that may come to the Treasurer of Moore County for the benefit of Lee County the sum of three hundred and thirty-

Money to be retained by Moore county.

two dollars and eighty cents, paid on the tenth day of February, one thousand nine hundred and nine, for money borrowed from the State Board of Education and expended for the building of schoolhouses in Lee County.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 628.

AN ACT TO AUTHORIZE THE REGISTERS OF DEEDS IN THE SEVERAL COUNTIES OF THE STATE TO APPOINT DEPUTIES.

The General Assembly of North Carolina do enact:

Appointment of
deputies author-
ized.

Responsibility of
registers.

Certificate to be
filed and recorded.

SECTION 1. That the registers of deeds of the several counties in this State be and they are hereby authorized and empowered to appoint deputies, whose acts as such shall be valid and for which the said registers of deeds shall officially be responsible; and shall file the certificate of the appointment of the deputy in the office of the clerk of the Superior Court, who shall record the same.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 629.

AN ACT TO AMEND SECTION 3769 OF THE REVISAL OF 1905, RELATING TO FENCES ALONG PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Section repealed
as to Rockingham
county.

SECTION 1. That line nine of section three thousand seven hundred and sixty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the words "and Rockingham" in said line.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 630.

AN ACT FOR THE PROTECTION OF BIRDS IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to hunt, kill, Close season. capture or in any manner destroy any quail or partridges, dove, meadow lark, robin or other game bird between the first day of February and the first day of December of any year.

SEC. 2. That it shall be unlawful to ship, carry or in any man- Shipping birds ner convey any game birds, as set forth in section one, from the forbidden. county for the purpose of sale or barter, except when such birds Exception. are sold by the person owning or having under rent such property where said birds are trapped or killed.

SEC. 3. No person shall sell, offer or expose for sale any game Sale or offer for birds between the first day of February and the first day of sale forbidden. December of any year, and the possession by any person, firm Possession prima or corporation of such game birds during the above-named period facie evidence. of the year shall be *prima facie* evidence that such birds are being offered for sale.

SEC. 4. Any person, firm or corporation found guilty of violating Misdemeanor. any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty Punishment. dollars for each offense or be imprisoned not less than ten days nor more than thirty days.

SEC. 5. This act shall apply only to Stanly County and shall Application of act. be in force from and after its ratification.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 631.

AN ACT AUTHORIZING THE COMMISSIONERS OF GASTON COUNTY TO LEVY TAX TO SUPPLEMENT THE PENSION FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Gaston County be and Levy of special are hereby empowered to levy a special tax, at the time taxes tax authorized. are levied for general purposes, upon all taxable property in Gaston County sufficient to raise one thousand two hundred and Amount fifty dollars and not exceeding two thousand dollars, to be used Purpose of tax. to supplement the pension fund for all ex-Confederate soldiers and widows that are or may be upon the pension roll in Gaston County.

Distribution of
amount collected.

SEC. 2. That whenever the said commissioners shall deem it wise in their discretion to levy the tax authorized by this act, the sum so collected shall be distributed in equal shares to all then upon the pension roll, regardless of class.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 632.

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

The General Assembly of North Carolina do enact:

Levy of special
tax authorized.

Years.

Limit of rate.

Constitutional
equation.

Application of
tax.

Levied and col-
lected as other
taxes.

SECTION 1. That the board of commissioners for the county of Craven be and they are hereby authorized and empowered to levy a special tax in the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven and one thousand nine hundred and twelve, 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 shall not exceed fifteen cents on the one hundred dollars valuation of property and forty-five 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 to be expended and applied to the payment of the indebtedness and current expenses of said county.

SEC. 2. That said taxes shall be levied and collected as other public taxes are levied and collected in said county.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 633.

AN ACT TO CREATE A RECORDER'S COURT IN NASH COUNTY.

The General Assembly of North Carolina do enact:

County com-
missioners may
establish court.

SECTION 1. The county commissioners of Nash County may establish at Nashville, North Carolina, a recorder's court for the county of Nash.

SEC. 2. Said court shall be a court of record, and shall be pre- Court of record.
 sided over by a recorder, who may be a licensed attorney at law, Recorder.
 of good moral character and in good standing in his profession,
 and who shall be at the time of his election and qualification an
 elector in and for said county. Said recorder shall be elected by Election of
 the board of county commissioners at their regular meeting on recorder.
 the first Monday in April of each and every year, and shall hold
 for a period of one year, and should a vacancy occur in said office Vacancy.
 the same shall be filled by the said county commissioners as pro-
 vided for the appointment of the recorder. The said appointee
 shall hold said office during the remainder of said term. Before Recorder to
 entering upon the duties of his office, the said recorder so elected qualify.
 shall take and subscribe an oath of office, as is now provided by
 law for justices of the peace, and shall file the same with the clerk
 of the Superior Court of said county of Nash, which clerk will
 duly record the same. Said recorder's salary shall be determined Salary.
 by the board of county commissioners and paid out of the county
 fund upon such vouchers as are now required for the payment of
 county bills.

SEC. 3. Said court shall be open for the trial of cases on each Sessions of court.
 and every Monday morning at ten o'clock, at the county site, and
 shall continue in session daily until the business before it shall be
 disposed of.

SEC. 4. Said court shall have all jurisdiction and power in all Jurisdiction.
 criminal cases arising in said county which are now or may here-
 after be given to justices of the peace, and, in addition to the juris-
 diction conferred by this section, shall have exclusive original
 jurisdiction of all other criminal offenses committed in said county
 below the grade of felony, as now defined by law, and the same
 are hereby declared to be petty misdemeanors.

SEC. 5. When, upon affidavit made before entering on the trial Removal of
 of any case before any justice of the peace, it shall appear proper causes.
 for said case to be removed for trial to some other justice, as is
 now provided by law, said cause may be removed for trial to said
 Recorder's Court of Nash County.

SEC. 6. In all criminal cases heard by justices of the peace and Recognizances to
 the other committing magistrates of said county against any per- recorder's court.
 son or persons for any offense included in section four of this act, in
 which probable cause of guilt is found, such person or persons
 shall be bound in a personal recognizance with surety, to appear
 at the next succeeding session of the recorder's court for trial,
 and in default of such surety such person or persons shall be com-
 mitted to the common jail of such county to await trial.

SEC. 7. All trials of criminal actions shall be upon warrant Trials on
 issued by the clerk of the Superior Court, who shall also be clerk of warrants.
 the recorder's court. Clerk of court.

- Fees of officers. SEC. 8. All such justices of the peace and constables and sheriffs shall have the same fees as are now prescribed by law, and shall be collected and paid out in the same manner and by the same officers as collect and disburse the said fees in the Superior Court.
- Sentences to road work. SEC. 9. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and costs, the said recorder shall sentence the said defendant to imprisonment in the common jail of said county, to be worked upon the public roads of said county. All fines imposed shall be collected by the clerk of the Superior Court as is now done in the Superior Court, and where a defendant is convicted and fails to pay the cost the county shall pay such costs as is allowed by law in similar cases before the Superior Court.
- Collection of fines. SEC. 10. Said court shall have all jurisdiction and powers in all civil matters arising in said county which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have exclusive original jurisdiction of all other civil actions arising in said county out of contract, where the sum demanded does not exceed the sum of five hundred dollars, and those arising out of tort where the value of the property or the amount in controversy does not exceed two hundred dollars. All civil matters tried by justices of the peace in said county, where either party to the suit appeals from the judgment of said justice, the said case on appeal shall be sent to the recorder's court for a new trial, as is now provided by law for the trial of cases in the Superior Court upon appeal from justice's court, and shall be heard at the first sitting of the court after the appeal is sent up: *Provided*, this shall not prevent a continuance of any cause until some future day, upon good cause being shown to the court.
- Appeals from justices' courts. SEC. 11. Any person desiring to appeal to the Superior Court in a criminal or civil case from a judgment of the recorder's court shall be allowed to do so in the same manner as now provided for appeals from the courts of justices of the peace.
- Proviso: continuance of causes. SEC. 12. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of the Superior Court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on the return day of such summons. The defendant shall file his written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof.
- Appeals. SEC. 13. All judgments in civil actions, excepting those for costs only, rendered by the recorder shall be duly docketed in the office of the clerk of the Superior Court, and execution shall issue thereon, as is now provided by law for executions.
- Summons in civil cases.
- Return day. Proviso: service of summons.
- Pleadings.
- Judgments docketed.

SEC. 14. In all actions and matters where a justice of the peace does not now have exclusive jurisdiction the plaintiff in such action may bring original suit, either in the Recorder's Court of Nash County, as established by this act, or in the Superior Court of Nash County, at their election. Venue of suits.

SEC. 15. Nothing in this act shall prevent the recorder elected by the board of commissioners and serving as such in the court hereby established from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by him in his court. Recorder may practice law.

SEC. 16. This act shall be printed at once, upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the Board of Commissioners of Nash County. Act to be printed and copy mailed.

SEC. 17. *Provided*, that nothing in this act shall be in conflict with the recorder's court at Rocky Mount, North Carolina. Recorder's court at Rocky Mount.

SEC. 18. That the said board of commissioners are authorized, after twelve months' trial of said court, to discontinue said court if in their judgment it is best to do so; that either plaintiff or defendant in actions in this court may demand and have a jury, as provided in courts of justices of the peace, except the jury shall be twelve in number instead of six; that the recorder of said court, in all cases in which in his judgment the ends of justice would be best served by submitting the issue to a jury, may have a jury called of his own motion, as above provided, and submit the issue to the jury. Power to discontinue court.
Jury trials.

SEC. 19. This act shall be in force from and after the first Monday in April, one thousand nine hundred and nine. When act effective.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 634.

AN ACT FOR THE STATE PRINTER TO PUBLISH THE FARM BULLETINS OF THE NORTH CAROLINA AGRICULTURAL EXPERIMENT STATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the farm bulletins and reports containing the experiments, investigations, conclusions and recommendations made to farmers and distributed free for their information and benefit by the North Carolina Agricultural Experiment Station, established by act of the General Assembly of March twelfth, one thousand eight hundred and eighty-seven, and now supported by the National Government, shall be published by the State Printer as other State printing. Bulletins and reports to be published as other state printing.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 635.

AN ACT TO DRAIN THE LOWLANDS OF CLARK'S CREEK
AND ITS TRIBUTARIES, IN CATAWBA COUNTY.

Preamble. Whereas there are many acres of land on Clark's Creek and its tributaries, in Catawba County, that have been, are now and are liable to be greatly damaged and diminished by reason of the shallow and narrow channel of said creek and the filling of same, by reason of the limited and sluggish flow of said creek and improper drainage; and whereas, by reason of same, the bottom lands overflow and become wet and soggy, the formation of cesspools and the injured condition of the soil, the health of the community has been greatly injured and much sickness caused thereby; and whereas a conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to lower the channel and bed of said stream, by excavation, the widening and changing the creek, and removing the obstruction, giving said creek a better fall and outlet for the water, would thereby greatly remedy and improve the condition of the land, dry and reclaim the wet and overflowed lands, making same productive to cultivation, increasing its value, and more especially improve the sanitary condition and health of the public and community in general; and whereas, it is impracticable to do this much-needed work without legislative aid, whereby there can be concentrated effort equally and mutually beneficial to all the owners: therefore,

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Commissioners appointed. SECTION 1. That a commission of three men, to-wit, C. E. Long, J. C. Ikerd and M. B. Bost, of Catawba County, North Carolina, and their successors in office, be and they are hereby appointed and constituted a commission for the purpose of carrying out the work suggested in the preamble of this act, to be known as "Catawba County Drainage Commission, Number One," of Catawba County, North Carolina, and in that name they shall be a corporation,

Corporate name.

Corporation.

Corporate powers.

Powers in regard to drainage.

Bond issue authorized.

Amount.

Maturity.

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 Clark's Creek and its tributaries, in Catawba County, North Carolina, between the Lincoln County line and what is commonly known and called as the Old Pink Reinhardt Mill, in Catawba County, which said power and authority shall embrace the right to purchase all necessary machinery, dredging machine, tools, appliances and other material to carry out said work, and to issue the note or bond of the obligation of said corporation in an amount not exceeding fifteen thousand dollars, payable in amounts to be fixed

by said commission and at stated intervals, not exceeding ten years, to be fixed by said corporation or commission; and said commission or corporation shall be possessed of all such powers as are usually granted and pertain to corporations.

SEC. 2. Said commission shall meet and organize as soon as possible, and at the first meeting shall elect one of their number chairman, another vice chairman and another secretary, and may elect an outsider treasurer or may consolidate the offices of secretary and treasurer, and in that event elect one of their number secretary and treasurer, and shall direct the secretary to procure necessary books upon which to keep a perfect record of all dealings and transactions of said commission or corporation, and shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work, and fix their compensation and date of payment, and to execute the obligation or notes of said corporation for the payment of same in the name of said corporation; and shall also have the authority, in the discretion of the said commission, to contract for the whole of said work or a part of same, and to enter into contract for letting of same and the payment of said work, and to employ counsel.

Commission to meet and organize. Organization.

Record books.

Superintendent or overseer and hands.

Compensation.

Work may be let to contract.

SEC. 3. The said commission shall make a just estimate of all the lands along Clark's Creek and its tributaries, within Catawba County and within the terminal points mentioned and designated in section one, that will in their judgment be benefited, either generally or specially, by the work proposed and contemplated to be done, and make a list of the owners of said lands, with the estimated number of acres to be benefited by each owner; and in making said estimate the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of Clark's Creek, the measurement to be air line and at right angles to center of said creek, upon either and both sides of said creek, and upon all tributaries of Clark's Creek, extending up said tributaries from the point where same empties into Clark's Creek for a distance of one and one-half miles, and all lands upon said tributaries and within one-fourth of a mile of the center of said tributary streams, measured at right angles and air line from center of said tributary streams, on both and either sides of same, and shall be measured and estimated, and said commission shall make a just estimate of all lands on Clark's Creek and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specially, and both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount in accordance with the special benefits. Said

Estimate of lands.

List of landowners and lands benefited. Lands subject to estimate.

Special benefits considered.

Employment of engineer.	commission is further authorized and empowered to employ a competent engineer to do such surveying as is necessary and desired
Drainage district established.	by said commission and as may be required by this act. That the boundary as herein described be and the same is established as a drainage district.
Examination and classification of lands.	SEC. 4. It shall be the further duty of the said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from the canalizing and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of benefits it will receive by the contemplated improvements. The land benefited shall be separated into five classes: The land receiving the highest benefit shall be marked "Class K," that receiving the next highest benefit "Class L," that receiving the next highest benefit "Class M," that receiving the next highest benefit "Class N," and that receiving the smallest benefit "Class O." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated as nearly as practicable and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commission or found by them shall be in the ratio of five, four, three, two and one—that is to say, as often as five mills per acre is assessed against the lands in "Class K," four mills per acre be assessed against the lands in "Class L," three mills per acre in "Class M," two mills per acre in "Class N," and one mill per acre in "Class O." This shall form the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the lands they shall give notice at the courthouse door in Newton, Catawba County, and by posting notice at five points along the line of Clark's Creek, appointing a day on which said board of commissioners will meet at the courthouse in Newton, Catawba County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days' time or notice of said meeting, at which time the said commission will sit as a body to hear and determine all complaints that may be filed with them, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper assessment against said complainants and fix the assessment against all the lands within the radius mentioned and set forth in section three
Matters for consideration.	
Land separated into five classes.	
Scale of assessment.	
Notice of day of hearing.	
Commission to hear and determine complaints.	

of this act; and said commission shall have the power and authority to issue subpoenas for witnesses and hear their evidence, and punish for contempt of their proceedings or court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said court shall have right of appeal, at said time or within ten days thereafter, to the Superior Court of Catawba County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party appealing being required to give bond in the sum of two hundred dollars to pay all costs and assessments adjudged and awarded against him upon said appeal. Said appeal shall have priority in point of trial upon appeal to the Superior Court, and shall stand for trial at next term of said court, by reason of its public nature.

Powers of commission at hearing.

Right of appeal.

Prosecution of appeal.
Bond on appeal.

Priority of appeal.

SEC. 5. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof, shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office and the other delivered to the sheriff or other county tax collector of Catawba County, which said roll shall show the name of the owner, the number of acres of land upon which assessments have been made, and the amount due by said landowner, and there shall be appended an order to collect the said assessments and amounts so certified, and same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff for collection. After said commission has assessed against the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessment as made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre, until the whole thereof

Assessment roll.

Amount to be paid by lands benefited.

Apportionment of assessment.

Drainage roll in duplicate.

Copy to be filed.

Copy delivered to sheriff.

Order for collection of assessments.

Assessments collected as taxes.

Limit of annual assessment.

Installments of assessment.	is paid or said contemplated improvement completed, or if the total cost of the work is less than an average of five dollars per acre on all the land in the district the assessment made against the several tracts can be collected in one installment, in the discretion of the commission, or in two or three installments, in the discretion of said commission, by the officer as herein directed, in the same manner as State and county taxes are collected and payable. In case the total assessment exceeds the average of five dollars per acre, or even one dollar per acre or fifty cents per acre, the said Catawba County Drainage Commission, Number One, may give notice of three weeks, by publication in some newspaper in Catawba County, North Carolina, if there be one, and also by posting a written or printed notice at the courthouse door in Catawba County and five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable, not exceeding in amount fifteen thousand dollars nor exceeding the amount of assessed benefits for said work and improvements contemplated, which said issues of bonds shall be for a period from date of same, not more than ten years, bearing six per cent interest. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessments and have his land released therefrom. Neglect to pay same to the treasurer within said time shall be deemed as consenting to the issuing of said bonds, and in consideration of the right to pay his assessment in installments he thereby waives his right to any defense against collection of said assessment because of any irregularity, illegality or defect prior to that time, except in the case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term "person," as used in this act, includes firm, company or corporation. At the expiration of thirty days after the publication, the Catawba County Drainage Commission, Number One, may issue bonds for the full amount of the assessments not paid in to the treasurer, together with the interest thereon, costs of collection or other incidental expenses; the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments of not exceeding ten years, to be fixed by said commission. The said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of the Catawba County Drainage Commission, Number One, and shall be signed by its chairman and attested by the secretary, and the official seal of said corporation attached, and said bonds issued
Notice for bond issue.	
Amount.	
Maturity.	
Interest.	
Land released on payment of assessment.	
Consent to issuance of bonds. Waiver of defense against assessments.	
Person defined.	
Issue of bonds.	
Interest.	
Maturity.	
Authentication.	
Specific appropriation.	

shall be for the exclusive use of prosecuting and carrying on the improvement and work contemplated herein, and shall not be sold by the commission for less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond and where payable, and shall set out specifically the lands embraced in the district on which the tax has not been paid in full (tax herein meaning assessment), and which land is assessed for the payment of the bond issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for the payment of said bonds and the interest thereon as they become due, and shall be collected in the same manner by the same officers as the State and county taxes are collected. If any installment of principal and interest represented by the said bond shall not be paid at the time and in manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said commission and corporation of said district, wherein the court may issue a writ of mandamus against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a tax or special assessment, as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installment of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or other tax collector of said county shall be liable for the faithful performance of the duties herein assigned him, and such official bond may be increased by the board of county commissioners to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet said bonds at maturity and to pay the interest on same, they are authorized, instead of collecting from the said lands so assessed for the benefits to be derived by said improvement in one full sum, to assess and collect annually a sufficient sum and levy upon the benefits to each landowner an amount annually to meet said interest and create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission are authorized to loan same and apply the interest so collected to said sinking fund, and continue to do so until said bond issue shall be discharged; and in event said commission desires to pay off said bond issue

Bonds not sold
below par.
Record of bonds.

Priority of lien of
assessment.

Enforcement of
payment by
mandamus.

Right of action on
bonds of officers.

Liability of sheriff
on bond.

Increase of bond.

Collections for
interest and
sinking fund.

Investment of
sinking fund.

Bonds subject to call.	<p>before maturity they may assess a sufficient sum, and collect, as will pay the interest and one-fifth of said bond issue, annually, until fully paid and discharged, and in that event said commission may pay off such bonds as the holders thereof may consent, or in event the holder shall refuse to surrender said bond at par, with accrued interest, said commission may designate the number of the bond it will pay, and publish same in some newspaper published in Catawba County, and from said date said bond shall fail to bear interest: <i>Provided</i>, the said bonds shall be affected with the conditions of this provision only when said conditions are expressed upon the face of the bonds.</p>
Proviso: condition expressed on face of bonds.	
Sheriff to collect assessments.	<p>SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same, and to that end he shall have the power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of State and county taxes, and shall pay over same to the treasurer of said corporation or commission and take his receipt therefor.</p>
Power and remedies. Compensation.	
Bond of treasurer.	<p>SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and file with the records of their board, and shall pay said treasurer out of the funds the sum of two per cent upon amounts paid out by him, and shall allow for each day actually served by each member of the commission one dollar for his services, to be paid out of the funds; that all orders upon the treasurer shall be signed by the chairman and attested by the secretary.</p>
Pay of treasurer.	
Pay of commissioners.	
Orders on treasurer.	
Details of work.	<p>SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said water course shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said streams and change same at such points and places as may seem to them to be for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all such growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water, and shall have the right from time to time, its agents and employees or contractors, to enter upon any lands along said water course and tributaries for the purpose of carrying out the improvement and work contemplated in this act; and shall, after the completion of same, have the right to enter upon said lands at any time for the purpose of performing any work in making repairs and clear of obstruction all growth or matter interfering with the free flow of the water; but in doing this work they shall give attention first to the widening and lowering and excavating of the bed of said</p>
Right of entry on lands.	
Work to have preference.	

stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

SEC. 9. It shall be the duty and obligation of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or, for good cause, his office may be declared vacant by the other members, and all vacancies, from whatever source or cause, shall be filled by the Board of County Commissioners of Catawba County, North Carolina.

Commissioners to meet and qualify.

Right to resign.

Vacancy declared for cause.

Filling vacancy.

SEC. 10. If it shall be necessary to acquire a right of way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creek for the betterment of the flow of the water and the improvement of the objects and purposes of this act, and in either event the same cannot be acquired by purchase, then and in that event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights of way for railroads in chapter sixty-one of the Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of sale of bonds or from collection of the assessments upon benefits; that every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein contemplated by this act.

Right of condemnation conferred.

Procedure for condemnation.

Payment of damages.

SEC. 11. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said lands; and if said lands are separated from the creek by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file a petition with said commission herein appointed and constituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission herein appointed.

Right of landowner to use work.

Procedure for securing access.

SEC. 12. That the said Catawba County Drainage Commission, Number One, shall have the power and right, at their discretion, to elect or appoint a superintendent of the construction of said work and improvement, and to fix his compensation and bond for the faithful performance of same.

Superintendent of construction.

Compensation and bond.

SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out

Work may be let to contract.

Work under supervision of committee.	by contract, or by section, to be laid off by said commission, and to contract for the same, or it may do the work and improvement by purchasing a dredging machine or other machinery and hiring labor, under the commission's supervision or that of a superintendent.
Contractor to give bond.	In event said commission shall decide to let said work to bidders for the whole or by sections or any part of same, the successful bidder shall be required to enter into a contract with the Catawba County Drainage Commission, Number One, and to execute bond for the faithful performance of such contract, with sufficient sureties in favor of the Catawba County Drainage Commission, Number One, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Catawba County Drainage Commission, Number One, of Catawba County, against such contractor and his bond in the Superior Court for damages sustained, and recovery made against such contractor and his sureties.
Action on bond.	
Power to remove bridges.	SEC. 14. That said Catawba County Drainage Commission, Number One, shall have full power and authority to remove any public highway bridge across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work; and on account of the public nature of said work and the general benefit to the health of the community the costs of replacing said bridges shall be borne and paid by the county of Catawba, and the county commissioners of said county will have said bridges replaced and paid out of the general county funds.
Expense of replacing bridges borne by county.	
Work when completed under supervision of commissioners. Water course to be kept in good repair and open. Assessments for repairs and maintenance.	SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Catawba County Drainage Commission, Number One, and it shall be the duty of said commission to keep said water course in good repair and open, and for this purpose may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said water course in perfect order: <i>Provided, however,</i> that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent or employees, or if the same is caused by the cattle or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commissioners.
Proviso: repairs made necessary by acts of individual land-owners.	

SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding twice the damages or injury done or caused.

Injury to work a misdemeanor.

Punishment.

SEC. 17. That said commission or any of its agents, officers, employees or contractors shall have the right to enter upon the lands adjoining said work at any time for the purposes of said improvement, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

Right of entry on lands.

SEC. 18. That, subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, until the whole of said work shall be completed and the health of the community benefited and improved.

Work at discretion of commission.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days, for any person or persons to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and lands.

Punishment for obstructing water course or interfering with work.

SEC. 20. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 21. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 636.

AN ACT TO ENFORCE THE BETTER DRAINAGE OF CERTAIN LANDS IN GASTON AND LINCOLN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That R. K. Davenport, B. F. Carpenter, J. A. Rankin, A. F. Carpenter, D. J. Black, J. H. Sadler, W. G. Rutledge, J. L. Cornwell, A. R. Beatty, R. W. Nantz, W. M. Broadway, J. H. Beatty, Mrs. D. F. Eddleman, M. C. Luckey, M. J. Rhyne, L. E. Rhyne, J. A. Abernethy, J. R. Lewis, W. D. Abernethy, C. F. Smith, W. B. Rutledge, C. W. Rankin, G. M. Shiver, Matt R. Jenkins, Henry Sadler, Adam Sanders, G. P. Stroup, J. Lee Black, J. E. Black, W. S. Painter, E. V. Cloniger, R. S. Black, S. H. Black, W. T. Cornwell, John C. Rankin, John C. Rankin (agent), J. A. Davenport, Mrs. M. A. Rankin, A. A. Farror, A. H. Baker, H.

Landowners on Dutchman's creek to clear out stream.

Stream to be kept clean.	Hoover, Jerry Tate and all others owning lands contiguous to and lying upon Dutchman's Creek, in Gaston and Lincoln counties, be and are hereby required, within six months after the ratification of this act, each at his or her own cost and expense, to clear out said stream or creek, so as to give full and adequate drainage of the adjacent land and to render the same fit for cultivation, and shall keep the same clean in like manner from year to year and as often as the incidents of nature, by storm or flood or by any other artificial or other cause, shall make the cleaning out necessary:
Proviso: limit of obligation.	<i>Provided</i> , that no landowner shall be required to clean out said stream or creek and keep the same cleaned out only so far as said stream or creek shall be upon and next to his or her own lands;
Proviso: obligation to follow ownership of land.	and <i>Provided further</i> , that if any of the lands of any of the afore-said parties shall by descent or purchase be transferred to any other person or persons, the person or persons so taking the same by descent or purchase shall be subject to the provisions of this act:
Proviso: dams not to be destroyed.	<i>Provided</i> , that this act shall not require any dam or dams to be torn out or destroyed.
Complaints of failure by landowners.	SEC. 2. That if in the opinion of any of the said landowners or subsequent owners, as provided in section one, any other of said owners at any time shall fail or refuse to perform the duties required by this act, in that case he or she may apply in writing to any justice of the peace in Gaston or Lincoln county, the county in which the land lies, setting forth specifically his or her cause of complaint, and thereupon it shall be the duty of the said justice of the peace to appoint two disinterested landowners, who, with himself, shall visit and view the premises complained of, ascertain whether the cause of complaint be true, and render judgment according to their findings, in writing. If the judgment shall be in favor of the complainant, then the landowners, or any one of them, are hereby empowered to enter upon the lands complained of, and to do the work so found to be necessary, at the cost and expense of the party complained of. The cost and expense of such work shall be estimated by said justice of the peace and said landowners, which shall be in writing, with their judgment, as before provided. If judgment be for respondent, then it shall be in writing, as before provided for. The cost of the proceedings, together with the estimate of the work, shall be paid by the party against whom judgment is rendered, and shall be a lien on the land of the person or persons against whom judgment shall be given.
Jury of view.	
Work done at cost of delinquent landowner.	
Estimate of expense.	
Costs to follow judgment.	
Lien on land.	
When act effective.	SEC. 3. That this act shall be in force six months after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 637.

AN ACT TO PROVIDE FIRE ESCAPES AND PROTECT
HUMAN LIFE.

The General Assembly of North Carolina do enact:

SECTION 1. That all hotels, lodging houses, school dormitories, hospitals or sanitariums hereafter constructed in this State, over two stories in height and over one hundred feet in length, shall be constructed so that there shall be at least two pairs of stairs for the use of guests leading from the ground floor to the uppermost story, and for larger buildings such number as the proper officials shall designate. Every hotel, lodging house, school dormitory, hospital or sanitarium in the State, three stories and over in height, shall be provided, without delay, with permanent iron balconies with iron stairs leading from one balcony to the other, to be placed at the end of each hall above the second story, in case such hotel, lodging house, school dormitory, hospital or sanitarium is over one hundred and fifty feet in length, and in other cases such number as may be directed by the Insurance Commissioner or chief of fire department of such city or town in which such hotel, lodging house, school dormitory, hospital or sanitarium is located: *Provided*, that where said hotels, lodging houses, school dormitories, hospitals or sanitariums, already built and only three stories in height, are, in the opinion of the Insurance Commissioner, provided with sufficient inner stairways, so located as to furnish sufficient egress in case of fire, the said commissioner may waive the requirement for outside iron balconies and stairs. Such balconies and iron stairs shall be constructed at the expense of the owner of said hotel, lodging house, school dormitory, hospital, sanitarium or theater: *Provided*, that this act shall not apply to private residences at which lodgers are not received for hire.

SEC. 2. *Places of public amusement, how constructed.*—That every theater, opera house or other like place of public amusement shall have as many doors for egress therefrom as may be necessary and can be made consistently with the proper strength of the building; that all such doors shall be hung so as to open outwardly, or both outwardly and inwardly; and the seats therein shall be arranged in rows properly spaced, with aisles of adequate width, so as to afford easy egress therefrom. All scenery shall be made as secure against becoming inflamed as reasonably practical, and also all reasonably practical arrangements shall be made for the constant supply of water and other means for extinguishment of fires, and they shall be kept constantly effective during the presence of an audience: *Provided*, that the Insurance Commissioner may require all theaters to be equipped with a front curtain of asbestos or other fireproof material, to be furnished by owner of

Buildings hereafter constructed.

Permanent iron balconies and stairs.

Proviso: buildings already built.

Expense of balconies and stairs.

Proviso: private dwellings.

Doors to places of public amusement.

Arrangement of seats.

Scenery.

Arrangement for supply of water and other means of extinguishment.

Proviso: front curtain of asbestos.

the building; that said asbestos curtain shall be raised and lowered not less than twice before each performance, in order to guarantee its being in perfect working order.

Doors on school-houses, factories and buildings of public resort.

SEC. 3. *Doors to certain buildings to be hung, how.*—All doors for ingress and egress to and from all public-school houses and other buildings, and also of all theaters, assembly rooms, halls, churches, factories with more than twenty employees, and all other buildings or places of public resort whatever where people are wont to assemble (excepting schoolhouses and churches of one room on the ground floor) which shall hereafter be erected, together with all those heretofore erected and which are still in use as such buildings or places of resort, shall be so hung as to open outwardly from the audience rooms, halls or workshops of such buildings or places: *Provided*, that said doors may be hung on double hinges, so as to open with equal ease outwardly or inwardly.

Proviso: double hinges.

Outside fire escapes.

SEC. 4. *Fire escapes from balconies.*—That all factories, manufacturing establishments or workshops of three or more stories in height, in which thirty or more people are employed above the first floor thereof, shall be provided with one or (if the proper officials shall deem necessary) more outside fire escapes, not less than six feet in length and three feet in width, properly and safely constructed, guarded by iron railings not less than three feet in length and taking in at least one door and one window or two windows at each story and connected with the interior by easily accessible and unobstructed openings; and the said fire escapes shall connect by iron stairs not less than twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant and protected by a well-secured hand rail on both sides, with a twelve-inch-wide drop ladder from the lowest platform reaching to the ground; that no outside fire escapes shall be required where there are already sufficient inside stairways; that for every twenty people employed on any floor above the second floor of every factory and workshop there shall be one rope or portable fire escape, and that each story shall be amply supplied with means for extinguishing fires; that all the main doors, both inside and outside, in factories, except fire doors, shall open outwardly, when the proper official shall so direct, and that no outside or inside door of any building wherein operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent egress.

Iron stairs.

Drop ladder.

Rope or portable fire escape.

Each story supplied with means of extinguishment.
Doors to open outwardly.

Buildings to be supplied with means of egress.

SEC. 5. *Ways of escape.*—That every building now or hereafter used, in whole or in part, as a public building, public or private institution, schoolhouse, church, theater, public hall, place of assembly or place of public resort, and every building in which twenty or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, the owner

or agent of the owner of which said buildings is notified in writing by the Insurance Commissioner or any one of his deputies, shall be provided with proper ways of egress or other means of escape from fire sufficient for the use of all persons accommodated, assembled, employed, lodging or residing in such building or buildings, and such ways of egress and means of escape shall be kept free from obstructions, in good repair and ready for use. Every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress by stairways on the inside or outside of the building. All doors in any building subject to the provisions of this act shall open outwardly, if the Insurance Commissioner or one of his deputies shall direct in writing.

Exits to be kept free from obstructions.
Exits above second story.

Doors to open outwardly.

SEC. 6. That the Insurance Commissioner is charged with the execution of this law, and the said commissioner or chief of the fire department are hereby vested with all privileges, duties and obligations placed upon them in section four, chapter fifty-eight, Public Laws of one thousand eight hundred and ninety-nine, in regard to the inspection of buildings for the purpose of enforcing the provisions of this act in regard to the buildings and requirements herein, and any owner or occupant of premises failing to comply with the provisions of this act in accordance with the orders of the authorities above specified shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect: *Provided, however*, that if any owner or lessee of any building referred to in this act shall deem himself aggrieved by any ruling or order of any chief of fire department or local inspector, he may within twenty-four hours appeal to the Insurance Commissioner, and the cause of complaint shall at once be investigated by the direction of said commissioner, and unless by his authority the order or ruling is revoked it shall remain in full force and effect and be forthwith complied with by said owner or lessee.

Insurance commissioner charged with execution of law.
Powers of insurance commissioner and chief of fire department.

Failure to comply with act a misdemeanor.

Punishment.

Appeal to insurance commissioner.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 638.

AN ACT RELATING TO MACADAM ROADS IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there may be elected by said board of commissioners at one of their regular meetings a competent superintendent of roads, skilled in the modern method of road building, who shall be paid a reasonable compensation, to be fixed by the board of commissioners; and said superintendent of roads may be re-

Election of superintendent of roads.

Compensation.

Removal for cause.

	<p>moved from office at any time by said board of commissioners when in the opinion of the board there exists good and sufficient cause for such action, and for malfeasance or misconduct in office, and may be removed by them without further notice than may be necessary to give him a hearing, and said board of commissioners shall have power to fill any vacancy in said office of superintendent of roads that may occur, by removal or otherwise.</p>
Vacancy.	
Duties of superintendent.	<p>SEC. 2. That it shall be the duty of said superintendent of roads to give his entire time to building, directing, maintaining and repairing the highways and public roads of Iredell County; shall have charge of the supervision, maintaining of and building of all public roads and highways in said county, including the supervision of the convict force, which shall be committed to his custody by the board of county commissioners; and the said superintendent shall have direct charge, control and management of maintaining and keeping in good order all macadam roads of said county, either with work by convict forces or by the employment of some one under his direction, to repair and maintain the same, subject to the approval of the board of county commissioners.</p>
Charge of macadam roads.	
Appointment of guards and employees.	<p>SEC. 3. That said board of commissioners or superintendent, subject to the approval of said board, shall appoint, with power to remove at any time, such guards or other employees as may be needed to take charge of the convict force, said guards and employees to be paid such compensation for services rendered as may be fixed by the board of county commissioners.</p>
Compensation.	
Liability for injury to convict.	<p>SEC. 4. No superintendent, guard or other employee of said commissioners shall be held either criminally or civilly liable for any injury inflicted upon any convict in his custody or under his supervision while in good faith and with due care enforcing such discipline as may be necessary to carry out such rules and regulations in the working of convicts upon the highways or public roads as said commissioners may from time to time enact and promulgate. If any superintendent, guard or other employee who may have such persons in his charge shall willfully or negligently permit any prisoner to escape from his custody, such superintendent, guard or employee shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court: <i>Provided</i>, that no superintendent, guard or other employee shall be held criminally or civilly liable for inflicting any wound or other injury upon any prisoner who may attempt to escape from his custody or control, if such superintendent, guard or other employee shall have reasonable ground to believe and shall believe it necessary to so wound or otherwise injure such prisoner in order to prevent his actual escape from custody; and any superintendent, guard or other employee from whose custody any convict shall have escaped, or any other officer or private citizen, shall have the right at any time thereafter to rearrest such</p>
Permitting escape a misdemeanor.	
Punishment.	
Proviso: liability for injury to prisoner attempting to escape.	
Right to rearrest convict.	

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.

Liability for wound or injury.

SEC. 5. That said board of commissioners, in addition to the building of macadam public roads and highways by convict forces, shall have the power to let by contract, at a fair and reasonable price, any part or section of public road or highway in said county to be macadamized which in their opinion is proper and right, and the contract price, when such road is accepted by the board of commissioners, shall be paid out of the road fund of said county.

Power to let roads to contract.

Payment of contract price.

SEC. 6. That all persons confined in the county jail, under a final sentence of the court, for crimes, or imprisoned for nonpayment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned for nonpayment of costs, all persons who shall be sentenced to the State's Prison for a term of not more than ten years shall be worked on the public roads of said county, and all such convicts shall be fed, clothed and otherwise cared for at the expense of said road fund: *Provided*, that in case of serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or the county jail.

Prisoners to be worked on roads.

Care of convicts.

Proviso: convicts under physical disability.

SEC. 7. That the said board of county commissioners is hereby authorized to accept convicts from other counties of the State sentenced by Superior Court judges, whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners shall be paid from said road funds.

Convicts from other counties.

Cost of transportation and maintenance.

SEC. 8. The superintendent of health of the county shall attend the convicts as though they were confined in the county jail. If the superintendent of health shall be unable to attend the convicts, from any cause, the county commissioners are hereby authorized to contract with a physician to attend such convicts.

Medical attention to convicts.

SEC. 9. That for the purpose of carrying out the provisions of this act the board of commissioners, through its superintendent, after first consulting the owner or owners, agent or agents of the land from which material for building and repairing roads is gotten, is hereby authorized to enter upon any lands near to or adjoining any public road or highway, to take or cause to be taken or carried away any gravel, sand, clay, rock or stone which may be necessary to construct, improve or repair said roads, together with the free ingress and egress from said roads for the transportation of said material.

Entry on land for material.

SEC. 10. That if any owner of land, or the agent or agents of said owner having in charge lands from which stone, gravel, sand,

Accounts for material.

Appeal to determine value.

Appeal not to delay work.

Power to locate, establish, discontinue and change roads.

Survey to be made.

Notice to landowners.

Notice if owner nonresident.

Procedure on hearing.

clay or rock was taken, as aforesaid, shall present an account for the same to the board of county commissioners or to the superintendent, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents shall have the right to appeal from said board to the Superior Court to determine the value of such timber, stone, sand, clay, rock or gravel; but said board of commissioners or superintendent shall not be prevented from entering upon any lands, as aforesaid, and using material as aforesaid at any time desired, whether the claim of the owner is made prior to or after the entry upon said land for said material.

Sec. 11. The board of county commissioners shall have the power and authority to locate, relocate, widen or otherwise change any public road or highway, or parts of the same, of the county, or lay out and establish any new public road, when in their judgment such location, relocation, widening or other change or the opening of a new public road is deemed necessary and advantageous to the public travel; and said board of commissioners shall have the further right to abandon and discontinue any public road or highway if the same is unnecessary and not advantageous to public travel; but the said board of commissioners, before locating, relocating, widening or changing any public road or establishing a new public road, shall cause a survey of the same to be made by some competent engineer, and said board shall further find that said changes, locations, relocations and the opening of a new public road are necessary and advantageous to public travel, or, if said commissioners desire the discontinuance or abandonment of a public road, they shall state that said public road is unnecessary and not advantageous to public travel. The said board of commissioners shall give to the landowners on and over whose lands any changes, location or relocation of any public road, or the establishment of any new public road is to be made, or the discontinuing and abandonment of any public road, at least twenty days' notice, in writing, of the time and place of deciding upon such change; and if any of the landowners on or over whose land the proposed changes are to be made and the new road established, or any road to be abandoned or discontinued, are minors, idiots or lunatics, such notice shall be given to them and their duly appointed guardians, or if no guardian has been appointed, then such notice shall be given to any persons with whom they are living. If any landowner is a nonresident the said notice shall be mailed to him at his last place of residence or be published for twenty days before the decision by said commissioners. The said commissioners, upon the day of hearing set by them, shall either make an order granting the change, location or relocation of any public road or the opening or establishing of any new public road, which order, when so made, shall be a condemnation of the land

or lands mentioned over which said roads may run, or such part thereof as shall be fully set out in the order; and if the order be for discontinuing and abandoning the public road, said order shall describe the same, ordering the discontinuance and abandonment. Any person owning land on or over which said changes are made or said public road is discontinued or abandoned shall have the right to appeal to the Superior Court of Iredell County for a trial *de novo* upon the order of said commissioners, but he shall give a good and sufficient bond for the costs, as in like cases of appeal; but the taking of said appeal shall not delay the changing, locating or relocating of any public road or the discontinuing or abandoning of any public road according to the terms of the order made therein by said board of commissioners, and said appeal shall only establish the quantum of damages which may exist because of the acts of the board of commissioners as contemplated in this section.

SEC. 12. Any person who shall obstruct the county surveyor or engineer in making a survey, in changing any road, or the opening of a new public road or highway, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in the discretion of the court; and any person or persons who shall obstruct anyone authorized by this section to open or change any public road or highway shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor to prosecute all offenses against the provisions of this act; and if, after changing, locating or relocating any public road or highway, or opening or establishing any new public road or highway, any person be aggrieved, and he and the board of county commissioners cannot agree and fix the amount of damages for the locating or relocating of such public road or highway, or opening or establishing any new public road, he may, within six months of said change, location or relocation of said public road or highway, or the opening or establishment of a new public road, apply to the clerk of the Superior Court, who shall appoint a jury, to consist of five freeholders, to assess the damages; and the said jury, in determining said damages, shall take into consideration the benefits accruing to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict; and the said damages, if allowed, shall be paid out of the general fund of the county; and if the jury award no more damages than the amount offered by the board of commissioners, then the party aggrieved shall pay all costs for making the said assessment of damages: *Provided*, that the board of commissioners or persons so aggrieved shall have the right to appeal to the Superior Court, after giving good and sufficient security for costs.

Right of appeal.

Bond on appeal.

Appeal not to delay work.

Obstructing officers making survey a misdemeanor.

Punishment.

Obstructing work a misdemeanor.

Punishment.

Solicitor to prosecute.

Procedure for assessment of damages.

Benefits to be considered.

Payment of damage.

Proviso: right of appeal.

Turning water on road unlawful.	SEC. 13. That it shall be unlawful for any person to use, cut or make any ditch or drain, or to so cultivate his land as to turn water into any macadamized public road or highway in Iredell County, except when there is a culvert or pipe or other drain under said road or highway; and any person violating any provision of this act shall upon conviction be fined or imprisoned, or both, in the discretion of the court.
Punishment.	
Use of road in process of construction unlawful.	SEC. 14. That it shall be unlawful for any person or persons to ride or drive any beast, buggy, carriage, cart, wagon, bicycle, automobile or other vehicle of any kind on any public road or highway in Iredell County where any work is being done for the preparation or macadamizing the same, or which has been macadamized, until the superintendent has caused the said public road or highway to be opened for public travel: <i>Provided</i> , that when no way has been provided around said public road or highway, then and in that case the public shall have the right to pass back and forth along by the side of the macadam part of said road or the part intended to be macadamized, but not upon the macadamized part. Any person violating this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.
Proviso: passage allowed.	
Misdemeanor. Punishment.	
Bridges and crossings to be kept up by corporations.	SEC. 15. That all railroads or other incorporated companies shall keep up, at their own expense, upon a specification furnished by any township supervisor to such railroad or other incorporated company, all bridges on and over the public roads, and not public, but used as "neighborhood roads," and all crossings which they have severally made it necessary to be built or made in establishing their respective roads, and on the failure to do so shall be guilty of a misdemeanor and fined at the discretion of the court, and shall forfeit and pay ten dollars for each ten days such railroad or other incorporated company shall fail to perform the duties imposed by this section, and any written notice left with any agent of such railroad or other corporation by said board of commissioners shall be deemed a sufficient notice in law.
Failure a misdemeanor. Punishment. Forfeit.	
Notice.	
Roads forming township lines.	SEC. 16. That in case any public road shall be the dividing line between two or more townships it shall be the duty of the township supervisors of the townships so divided to apportion the said road between the different townships in a just and equitable manner. All public roads and highways shall not be less than twenty-two feet wide and not more than thirty feet wide.
Width of roads.	
Inducements for use of wide tires.	SEC. 17. Said board of commissioners shall have the right to make such inducements for the use of wide-tired wagons upon the public roads or highways of said county by offering a payment of so much per wheel as may seem just for the use of same by anyone, or allowing a certain discount in the road tax, to be fixed by the board of county commissioners.
Duty of supervisors in maintenance of macadam road.	SEC. 18. It shall be the duty of the supervisors of public roads and highways in Iredell County, in the townships where macadam

roads have been built or are being built, or are hereafter to be built, to keep the same banked with dirt on each side of the macadam thereof, and to keep the ditches on each side thereof open and clear of any and all obstructions, and any failure upon the part of any supervisor in the performance of this duty shall constitute a misdemeanor, and upon conviction thereof he shall be fined or imprisoned, or both, in the discretion of the court.

Failure of supervisor a misdemeanor.

Punishment.

SEC. 19. It shall be the duty of the overseer in the townships of Iredell County where macadam roads have been built or are being built and to be built, when so built, to surface the road on either side of the macadam and to keep free from all obstructions all ditches on said macadam roads, and any violation of these duties shall constitute a misdemeanor, and upon conviction for the same he shall be fined or imprisoned, or both, in the discretion of the court.

Duties of overseers in maintaining macadam roads.

Violation of duty a misdemeanor. Punishment.

SEC. 20. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 21. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 639.

AN ACT TO AMEND SECTION 1506 OF THE REVISAL, RELATIVE TO THE HOLDING OF COURTS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out all of that clause thereof fixing the time for holding the courts of Halifax County and inserting in lieu thereof the following: "Halifax County—Fifth Monday before the first Monday in March, to be for the trial of civil actions exclusively, except jail cases on the criminal docket; the second Monday after the first Monday in March; the second Monday before the first Monday in September; twelfth Monday after the first Monday in September. Each of said terms shall continue for two weeks."

Terms for Halifax county.

SEC. 2. That said section one thousand five hundred and six of the Revisal be further amended by striking out of the clause thereof fixing the time of holding the courts of Northampton County, in the third line of said clause, the words "third Monday," and inserting in lieu thereof "fourth Monday."

Term for Northampton county.

SEC. 3. That this act shall be in force on and after the first day of May, one thousand nine hundred and nine.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 640.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS AND RANDOLPH COUNTIES TO HIRE OUT CONVICTS.

The General Assembly of North Carolina do enact:

Commissioners
authorized to hire
out convicts.

SECTION 1. That the county commissioners of Columbus and Randolph counties are hereby authorized and empowered, when in their discretion it seems to them to be best, to hire out their convicts or chain gang to any other county, and that they may also use them to do any work necessary for the improvement of the county home.

Work on county
home.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 641.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO ADOPT SUCH RULES AND REGULATIONS FOR ENFORCING DISCIPLINE AMONG PRISONERS SENTENCED TO WORK UPON THE PUBLIC ROADS OF FORSYTH COUNTY AS THEIR JUDGMENT MAY INDICATE, NOT INCONSISTENT WITH THE LAWS OF THIS STATE.

The General Assembly of North Carolina do enact:

Record of pris-
oners to be kept.

Record submitted
to county com-
missioners.
Diminution of
sentence for good
behavior.

Discharge of
prisoner.

Diminution for
good behavior to
convicts whose
sentence is six
months.

SECTION 1. The Board of Commissioners of Forsyth County shall require to be kept a book in which shall be entered a record and name of each prisoner sentenced to work upon the public roads of said county, which record shall be submitted to said board at their monthly meetings, and every prisoner who may have been sentenced for more than twelve months, who shall at the end of each month have committed no infractions of the rules of discipline governing the said prisoners, shall for each month be entitled to diminution of five days from the term of his sentence. It shall be the duty of the superintendent of roads in said county to discharge such convict from work on the public roads when he shall have served the time of his sentence, less the number of days he may be entitled to have deducted therefrom for good conduct and for a good record while serving such sentence; and every prisoner who may have been sentenced for a term of not less than six months, who shall have at the end of each month no infraction of discipline recorded against him, shall for each month be entitled to diminution of three days from the term of his sentence, and

it shall be the duty of the superintendent of convicts to discharge such prisoner from the roads when he shall have served the time of his sentence, less the number of days he may be entitled to have deducted therefrom. If any prisoner shall violate any of the rules or regulations governing him after he shall have become entitled to a diminution of the term of service to which he has been sentenced, the board of commissioners shall have the power to deprive at their discretion such prisoner of a portion or all of the diminution of term of sentence or commutation to which he had previously been entitled by this act.

Discharge of
prisoners.

Deprivation of
diminution.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 642.

AN ACT TO AMEND SECTION 1 OF CHAPTER 440 OF THE PUBLIC LAWS OF 1907, BEING AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO OFFER REWARDS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and forty, Public Laws of North Carolina, session of one thousand nine hundred and seven, be amended by inserting in line five of said section, after the word "burglary" and before the word "in," the following: "or burning or attempting to burn any barn or stable, the property of another."

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 643.

AN ACT TO PROVIDE COURT STENOGRAPHERS FOR ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Rowan County shall have authority to appoint one or more court stenographers for Rowan County, to serve during the pleasure of the court.

Clerk of superior
court to appoint
stenographers.

Stenographers to qualify.	All such stenographers, before entering on their duties, shall take an oath to discharge faithfully, correctly and impartially the duties of court stenographer.
Presiding judge to designate cases to be reported. Costs.	SEC. 2. The presiding judge shall have discretion to designate cases, civil or criminal, to be reported by the stenographer, and shall tax the costs of the same against either party, both parties, or make such orders in respect thereto as he may deem just and proper. All such costs, when collected, shall be paid into the treasury of Rowan County as a reimbursement for the expenditures required by this act.
Costs to use of county.	
Compensation of stenographer.	SEC. 3. That the compensation of the court stenographer for Rowan County shall be five dollars in each case wherein the trial engages the court and stenographer less than half a day (three hours), and ten dollars per day in each case wherein the trial engages the court and stenographer more than half a day, any fraction less than half being counted a full half a day; and where the judge may require the proceedings to be transcribed the stenographer shall be allowed five cents per copy sheet of one hundred words for the original and one cent per copy sheet for each additional copy. Such compensation shall be paid the court stenographer by Rowan County.
Fee for transcription.	
Compensation paid by county.	
	SEC. 4. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 644.

AN ACT TO CREATE A BUILDING COMMITTEE TO DIRECT THE CONSTRUCTION OF A BUILDING OR BUILDINGS FOR CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL, WITH POWER TO ACQUIRE LAND OR LANDS FOR THE USE OF SAID SCHOOL.

Preamble.	Whereas the Cullowhee Normal and Industrial School is a public educational institution owned by the State; and whereas it is now proposed to construct a building or buildings for the use of said school by aid of appropriation from the General Assembly and donations from the public; and whereas the authorities of said school have been unable to acquire, by gift or purchase, land necessary, suitable and convenient as a site for the said contemplated building or buildings; and whereas the enlargement of the said school is essential to its increased importance and usefulness to the public, and the extension of its lands is necessary to its proper enlargement: now, therefore,
Preamble.	
Preamble.	
Preamble.	

The General Assembly of North Carolina do enact:

SECTION 1. That the persons named as follows: A. A. Nichols, Building committee named.
R. H. Brown, W. D. Wike, F. H. Brown and R. L. Madison, all of Jackson County, are hereby constituted a building committee for Cullowhee Normal and Industrial School, with power to construct such a building as the General Assembly of North Carolina may authorize, or such building or buildings as the board of directors of said school may order, and to pay for the same out of funds appropriated by the General Assembly for that purpose or donated for that purpose by individuals; and they are hereby empowered to make all necessary contracts and do all things usually done by building committees, to adopt plans and specifications, to advertise for bids, to select a suitable site for said building or buildings, and to acquire the same by purchase or donation, deed or devise, or, therein failing, to institute condemnation proceedings for such site for said building or buildings consisting of not more than ten nor less than four acres of land: *Provided*, that in such condemnation proceedings the rights of the parties and the procedure shall be as is provided in chapter sixty-one, subchapter five, entitled "Eminent Domain," in the Revisal of one thousand nine hundred and five, volume one: *Provided further*, that land so condemned shall be conveniently near or adjacent and contiguous, or nearly so, to the lands now held to the use of or for the Cullowhee Normal and Industrial School or contracted for by the said school or its agents; and *Provided further*, that title to all lands so acquired shall vest in the State Board of Education and its successors in office, to the use of the State of North Carolina.

Power to construct and pay for building.
Power to acquire land for site.
Power to condemn land.
Proviso: procedure.
Proviso: location of land.
Title to land.

SEC. 2. That said committee is hereby empowered to acquire, by gift or purchase, deed or devise, additional land or lands for the use of the Cullowhee Normal and Industrial School, and said lands shall be paid for out of any funds in the hands of the board of directors of said school and not specifically appropriated to or for other purposes, upon requisition of said committee. *Provided*, that title to all lands so acquired shall vest in the State Board of Education and its successors in office, in trust for the State of North Carolina.

Power to acquire additional lands.
Payment for lands.
Proviso: title to lands.

SEC. 3. That the members of said building committee shall serve without compensation.

Building committee to serve without pay.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 645.

AN ACT TO AMEND CHAPTER 28, SECTION 1506, REVISAL OF 1905, AND TO FIX THE TIME FOR HOLDING COURTS IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Terms of court.

SECTION 1. That so much of section one thousand five hundred and six, chapter twenty-eight of the Revisal of one thousand nine hundred and five, as relates to the holding of the courts of Sampson County, be and the same is hereby repealed and the following be inserted in lieu thereof, to-wit: "That the terms of the Superior Court for Sampson County shall be held as follows: The fourth Monday before the first Monday in March, to continue for two weeks; the eighth Monday after the first Monday in March, to continue three weeks, the last two weeks for the trial of civil causes only; sixteenth Monday after the first Monday in March, to continue one week, for the trial of civil causes only; the eighth Monday before the first Monday in September, to continue one week; the fourth Monday before the first Monday in September, to continue two weeks, for the trial of civil causes only; the seventh Monday after the first Monday in September, to continue two weeks."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 646.

AN ACT TO PROVIDE FOR A COURT STENOGRAPHER FOR GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

County commissioners to appoint stenographer.

Courts and proceedings to be reported.

Stenographer to qualify.

SECTION 1. That the Board of Commissioners of Guilford County, as soon after the ratification of this act as practicable, shall appoint a court stenographer for said county, who shall be an officer of the court and who shall attend all the regular and special terms of the Superior Court for said county. Said stenographer shall also attend the hearing of special proceedings before the clerk when evidence is to be taken, and shall take evidence of witnesses before said clerk, and also before referees in the trial of causes before them.

SEC. 2. Before entering upon the duties of said office, such stenographer shall take and subscribe an oath to correctly and

honestly discharge his or her duties, as prescribed by the judge, clerk, commissioner, referee or other person before whom any cause may be heard or tried.

SEC. 3. In case of the absence of the regular stenographer, or Substitute stenographer. in case of death or resignation, the said board of county commissioners may appoint some competent stenographer in place of said regular court stenographer, who shall perform the same duties and receive the same compensation as said official stenographer during the absence of the said official stenographer or the vacancy caused by death or resignation, and shall take an oath similar to the oath of the official stenographer.

SEC. 4. The term of office of the official stenographer shall be Term of office. two years, unless removed by the board of commissioners for cause, and in case of said removal the said board shall fill said vacancy.

SEC. 5. No person shall be appointed to the position of official Examination. stenographer without being first examined as to his or her competency by three members of the bar practicing in said court, said members to be selected by the chairman of the board of county commissioners, and if found competent shall report that fact to the said board.

SEC. 6. Said stenographer shall furnish a typewritten copy of Copies of notes to be furnished. the stenographic notes of the evidence to the court and counsel for each side, when requested, and also a copy of the charge of the judge, and other such records in the cases as may be desired by the counsel for either side; and in case of appeal from the clerk Copies of record on appeals. to the Superior Court or from the Superior Court to the Supreme Court, furnish one copy to the counsel for each party of the entire record of the case as taken by such stenographer.

SEC. 7. The stenographer shall receive as his or her compensation for the performance of the services provided for herein such Compensation of stenographer. sum as shall be fixed by the board of county commissioners per Per diem. day for the time actually employed, and ten cents per copy sheet Transcriptions. for all typewritten copies furnished to the court and the counsel, said fees and rates to be taxed as a part of the costs in all cases, Fees and rates to be taxed as costs. both criminal and civil, in which the services of such stenographer shall be required or ordered by the judge in cases tried before him, or the clerk or referee in cases tried or heard before them, and the same shall be collected as a part of the costs in such cases and paid into the office of the clerk of the court, to the use and for the benefit of the said stenographer.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 647.

AN ACT TO MAKE THE GIVING OF WORTHLESS CHECKS, DRAFTS AND ORDERS PRIMA FACIE EVIDENCE OF INTENT TO CHEAT AND DEFRAUD.

The General Assembly of North Carolina do enact:

Prima facie evidence of intent.

SECTION 1. That section one, chapter nine hundred and seventy-five of the Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by adding at the end of said section and after the word "court" the following: "The giving of the aforesaid worthless check, draft or order shall be *prima facie* evidence of intent to cheat and defraud."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 648.

AN ACT TO PREVENT THE DESTRUCTION OF QUAIL OR PARTRIDGES OR WOODCOCK IN CABARRUS COUNTY UNTIL DECEMBER 1, 1910.

The General Assembly of North Carolina do enact:

Protection of quail, partridges and woodcock.

SECTION 1. That any person who shall kill, trap, net or otherwise take or sell, or who shall hunt any quail or partridges or woodcock in the county of Cabarrus after the ratification of this act and before the first day of December, one thousand nine hundred and ten, shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Misdemeanor. Punishment.

Jurisdiction.

SEC. 2. That the police justice's court of the city of Concord, North Carolina, shall have concurrent jurisdiction with the Superior Court, to the full extent of said justice's court, to fine and imprison, as now conferred by law; and any person convicted under this act in said police justice's court may appeal from the judgment or sentence of said court to the Superior Court.

Appeals.

Possession of birds prima facie evidence. Separate offenses.

SEC. 3. That any person seen or found with any bird or birds mentioned in section one of this act in his possession shall, *prima facie*, be guilty of violating this law, and each and every bird named above so seen or found shall constitute a separate offense.

Forfeit.

SEC. 4. That any person who violates the provisions of this act shall forfeit and pay for each offense the sum of one hundred dollars, to be recovered in a civil action by anyone who sues for the same. One-half of said recovery shall be paid to the party who brings the suit and the other half shall inure to the benefit of the public-school fund.

Division of forfeit.

SEC. 5. That after December first, one thousand nine hundred and ten, the close season in Cabarrus County shall be from March first to December first of each year. Close season after 1910.

SEC. 6. All laws or clauses of laws in conflict with this act, so far as they apply to the county of Cabarrus, are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 649.

AN ACT FOR THE RELIEF OF THE COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer be and he is hereby authorized to pay out of money not otherwise appropriated, at his discretion, to the county commissioners of Mecklenburg County, a commission not exceeding ten per cent upon such delinquent State taxes for the year one thousand nine hundred and seven upon which he finds that said commissioners paid commissions exceeding five per cent for collecting. Commission allowed on collection of delinquent taxes.

SEC. 2. That nothing in this act shall be construed to permit the State Treasurer in any other case or at any future time to pay or to authorize the payment of commissions exceeding that allowed by law. Limitation.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 650.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CLEVELAND COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF No. 6 TOWNSHIP, IN SAID COUNTY, THE QUESTION OF ISSUING \$100,000 IN BONDS FOR THE PURPOSE OF GRADING, MACADAMIZING AND IMPROVING THE PUBLIC ROADS OF No. 6 TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of building, grading, macadamizing and otherwise improving the roads of Number Six Township, in Cleveland County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the Purpose of issue.
Bond issue directed.

Amount.	said township to an amount not exceeding one hundred thousand
Denomination.	dollars (\$100,000), in denominations not exceeding one thousand
Interest.	dollars (\$1,000), bearing interest from date thereof at not exceeding the rate of five per cent (5%) per annum, with interest coupons attached, payable semiannually at such time and place as may be directed by said board of county commissioners, such bonds to be of such form and tenor and to be transferable in such way,
Maturity.	and the principal thereof payable at such time or times, not exceeding fifty years from the date thereof, and at such place or places as the said board of county commissioners may determine;
Division into series. Proviso: bonds not to be sold below par.	and the said board of county commissioners may divide the said issue into six series: <i>Provided</i> , that none of the bonds authorized by this act shall be disposed of, by sale, exchange, hypothecation or otherwise, for a less price than their face value.
Authentication.	SEC. 2. Such bonds shall be numbered and shall be signed by the chairman of the said board of commissioners and attested by the treasurer of said county, and shall bear the corporate seal of said county, and the coupons attached to these bonds shall bear the number of the bond, as well as the number of the coupon, and shall be as executed by the signing of the chairman of the board of commissioners and treasurer of said county or by their lithographic signatures engraved or printed thereon.
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 in behalf of said township, and to whom, amount and date of sale, and the issuing of each bond and its number.
Special tax.	SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, to support a chain gang and convict force, to compensate other laborers employed, and establish, alter, repair and maintain the public roads and highways of Number Six Township, in Cleveland County, in good condition, the board of commissioners of the county of Cleveland or other authorities vested with the power of levying taxes for said county shall annually compute and levy at the time of levying other county taxes a sufficient tax on all polls, all real estate and personal property and all other subjects of taxation in said township which said commissioners or other authorities now or hereafter may be allowed to levy taxes upon, for any purpose whatever, always observing the constitutional equation between the taxes on property and the taxes on polls: <i>Provided</i> , there shall not at any time be levied in Number Six Township, in the county of Cleveland, for the purpose of road improvement, and including all expenditures made necessary by this act or any act or statute now existing, a tax greater than twenty-five cents upon the hundred dollars of property and seventy-five cents on each poll: <i>Provided further</i> , that no sinking fund shall be created by such levy within less time than twenty years from the date of issuing said
Constitutional equation. Proviso: limit of tax rate.	
Proviso: sinking fund.	

bonds, but the highway commission hereinafter created may use for the purpose of this act such sums of money remaining after the interest on said bonds shall have been paid.

SEC. 5. That said taxes, when collected, shall be kept separate and apart from all other taxes and shall be used only for the purposes for which they were collected, except as specified in section four of this act. Taxes to be kept separate. Specific appropriation.

SEC. 6. That it shall be the duty of the Board of Commissioners for Cleveland County to annually invest any and all moneys received from the special tax herein provided for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said township by the said board of commissioners and to be agreed upon by them and the owners thereof; but in case said township bonds cannot be purchased at a satisfactory price, then the said commissioners are authorized and directed to invest said sinking fund, upon security approved by them and upon terms advantageous to said township; and any money of said sinking fund so loaned and invested shall bear the legal rate of interest in North Carolina, and any interest from the said fund shall be annually invested in the same way; and the notes taken for said loan shall express on their face that the money borrowed belongs to said sinking fund. Investment of sinking fund.

SEC. 7. That the money received from the sales of said bonds and derived from the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds, and the sum set apart for the sinking fund to pay the principal of the bonds, and such other sums of money as may be at the disposal of the highway commission hereinafter created, shall be used by them to purchase improved road-working machinery, to repair, survey, lay out, grade, macadamize, improve and maintain the public roads in said township, and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads. Appropriation of funds.

SEC. 8. That the bonds herein provided for shall be deposited in some safe-deposit company or bank, to be designated by said board of commissioners, and drawn out on the joint order of the chairman of said board of commissioners and the chairman of the highway commission of said county, hereinafter provided for, the proceeds of which shall be applied to the purposes herein provided for. Deposit of bonds.

SEC. 9. For the purpose of ascertaining the wishes of the voters of Number Six Township, in Cleveland County, upon the question of issuing said bonds and improving the roads of said township, as provided for in this act, an election shall be held in all the voting precincts in said township at a time to be designated by the Board of Commissioners of Cleveland County. At said election all voters in Number Six Township qualified to vote at said elec- Election on bond issue to be called.

Tickets.	tion may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For Road Improvement" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against Road Improvement" written or printed thereon; and if the majority of the voters of Number Six Township, in Cleveland County, qualified to vote at said election, shall vote "For Road Improvement," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held, the votes canvassed, the judges and registrars paid and the result decided in the manner and form provided in sections nine and ten in another act of the present session of the General Assembly of North Carolina, entitled "An act to authorize the Board of Commissioners of Cleveland County to issue bonds to improve the highways of Cleveland County and to create a highway commission therein."
Law governing election.	
Act not operative if bonds not voted.	SEC. 10. If a majority of the voters of Number Six Township qualified to vote at said election shall fail to vote "For Road Improvement," then the provisions of this act shall not be operative.
Road laws repealed.	SEC. 11. All road laws now existing and in force in Number Six Township, in said county, shall cease to be in force and effect on January the first, next, after said election is held, and all special road taxes levied by the commissioners of said county in Number Six Township shall not be levied by said commissioners after this act becomes operative, and no free labor shall be required of the citizens: <i>Provided</i> a majority of the qualified voters of said township at said election shall vote "For Road Improvement."
Road taxes abrogated.	
Road duty abolished. Proviso: bonds to be voted.	SEC. 12. If a majority of the voters of Number Six Township qualified to vote at said election shall vote "For Road Improvement," then the Board of Commissioners of Cleveland County are hereby directed and required to elect, at their first meeting after said election is held, three citizens and residents of said township who are freeholders therein, not more than two of whom shall be of the same political party, and shall be known, designated and styled the "Highway Commission of Number Six Township, in Cleveland County." They shall each receive for their services three dollars (\$3) per day during the time they are actually employed in the discharge of the duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees and for such other additional expenses as may be incurred by them in the discharge of their duties. The three men so elected by the board of commissioners shall meet within ten days after their said election and elect one of their number to be chairman and another to be secretary of said commission, and the chairman and secretary shall certify to the board of county commissioners the name of the chairman of said highway commission and the name of the secretary of said highway commission so elected.
Election of highway commission.	
Political affiliations.	
Pay of commissioners.	
Allowance for expenses.	
Meeting and organization.	
Certificate of organization.	

SEC. 13. The Highway Commission of Number Six Township herein created shall have entire charge of the expenditure of the proceeds of the sale of the bonds herein authorized to be issued and the expenditure of the fund derived from the tax authorized by this act, to be levied and collected, less the interest on the bonds issued and sold and the amount set apart for the sinking fund; and before entering upon the discharge of their duties, under this act, each of them shall take and subscribe an oath for the faithful performance of their duties, and file a bond, with sureties, approved by the board of commissioners, payable to the Board of Commissioners of Cleveland County, in the sum of five thousand dollars (\$5,000), for the faithful discharge of their duties prescribed by this act. Upon the taking of said oath and the filing and approval of said bonds the board of county commissioners shall turn over to the said highway commission all the road machinery and implements now belonging to said county for so much of the time as may appear to said board of commissioners to be just and equitable to other townships that may hereafter work their public roads by taxation or by bond issue, taking receipt therefor, and such convict force as may be held by said county shall be subject to the order of the said highway commission, except for such term as the board of commissioners may assign them to other townships in said county for like purposes, who shall pay all costs of maintaining and guarding said convict force, while in their service, out of the moneys provided in this act.

SEC. 14. It shall be the duty of the highway commission herein created, immediately upon their qualification and organization, as herein provided, to elect some competent and experienced engineer to lay out and supervise the building and macadamizing of the public roads of Number Six Township, and fix his compensation and appoint such assistants and overseers as may be necessary. Wherever there shall be a change made in the location of any public road, or new highways opened, or old roads widened or straightened or repaired, and new land taken for the same, the highway commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways; and if the highway commission and the owner or owners of said land cannot agree to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned three freeholders, who shall go upon the land and assess the damages and benefits under the general road law as it now exists: *Provided further*, that before entering upon the lands, as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land that the highways are to be located upon such land under the authority of this act: *Provided, also*, that either party may appeal to the Superior Court upon the assessment of damages and bene-

Duties of highway commission.

Commissioners to qualify.

Bond of commissioners.

Road machinery and implements.

Convict force.

Cost of maintaining and guarding convicts.

Election of engineer.

Entry on land for construction of roads.

Procedure for assessment of damages.

Proviso: notice to landowners.

Proviso: right of appeal.

Appeal not to delay proceedings.	fits, where the matter shall be heard by jury <i>de novo</i> , but no costs shall be awarded against said highway commission on such an appeal when the damages awarded by the jury are less than that given by the three referees, and in no case shall the highway commission be hindered from entering upon the lands of any person,
Maps, profiles and estimates.	firm or corporation by injunction. It shall be the duty of the said engineer, under the direction of the highway commission, to make maps and profiles of all roads to be located, built and macadamized, and furnish estimates of the dirt and stone to be moved in the construction and macadamizing of said roads; and if the said highway commission shall determine to let any part of the grading and macadamizing of said roads by contract, then the corporation, partnerships and persons so bidding for said work shall bid upon the specifications for the same furnished by the said engineer. The said highway commission is hereby authorized to let the grading and macadamizing or the grading or macadamizing by contract, of any section of the road to be built or any subdivision of any road to be built, to any person, partnership or corporation, requiring the said person, partnership or corporation to give bond, in such amount as the said highway commission may decide, to complete the said road in accordance with the said specifications of the said engineer within the time prescribed by the said highway commission; or the said highway commission may hire labor and convicts and use the convict force of Cleveland County, by consent of the board of commissioners, and have said roads graded or macadamized, or both, under its direct supervision and under such superintendents as it may employ, whichever it shall determine to be most advantageous to Number Six Township.
Bids on specifications.	
Roads may be let to contract.	
Bond of contractors.	
Work done by commissioners.	
Sale of bonds.	SEC. 15. That the board of commissioners of the county of Cleveland shall, upon demand made upon it by the chairman and secretary of the highway commission, offer for sale such number of bonds as may be determined by said highway commission, and the proceeds of the sale of said bonds shall be delivered to the Treasurer of Cleveland County and shall be disbursed by him upon orders duly signed by the chairman of said highway commission and countersigned by the secretary thereof. The said treasurer is hereby directed and required to keep a separate book of the moneys received by him from proceeds received from the sale of said bonds, and the disbursements and date thereof made by him of the same, and the bond of said treasurer shall be liable for the faithful accounting of the moneys received by him under this act.
Proceeds delivered to county treasurer. Road orders.	The treasurer shall receive no compensation for receiving and disbursing funds under this act. The Sheriff (or tax collector) of Cleveland County shall receive no commission for collecting said taxes herein authorized to be levied, and the bond of said tax collector (or sheriff) shall be liable for the faithful accounting of the taxes collected by him under this act.
Separate accounts.	
Liability on bond.	
Treasurer to receive no compensation. No commission allowed for collecting tax. Sheriff liable on bond.	

SEC. 16. The said highway commission is hereby authorized and directed to expend the proceeds of the said bonds as rapidly as it can be wisely and judiciously expended for the purposes in this act expressed, and shall personally visit all sections of the township to determine the location of the highways and macadam roads, and ascertain the needs of the people of said sections for macadam roads and other road improvements, and shall cause to be made a correct map of Number Six Township, showing especially thereon all macadam roads and other highways improved by them.

Expenditure of proceeds.

Duty of commissioners.

Road map of township.

SEC. 17. One member of the highway commission shall be elected for a term of two years, another for a term of four years, and another for a term of six years. If any member of the said highway commission shall die or resign or become incapable of performing the duties of his office, or a vacancy caused otherwise, the board of county commissioners shall elect his successor to fill the unexpired term. When the term of any member shall expire by limitation his successor shall be elected for a term of six years.

Terms of commissioners.

Vacancies.

Election of successors.

SEC. 18. The roads to be laid out, built and constructed by the highway commission under the provisions of this act shall be of such width and grade as the highway commission may prescribe. The said highway commission is authorized, where the public roads cross a branch, creek or river, to erect and construct thereover, or have erected and constructed thereover, such bridges as in their judgment may be necessary: *Provided*, that the cost of same shall be paid by the board of county commissioners out of such funds as may be collected by them in said township for bridge purposes.

Width and grade of roads.

Bridges.

Proviso: payment for bridges.

SEC. 19. The Trehsurer of Cleveland County shall quarterly publish in some newspaper published in said county an itemized statement of receipts and disbursements by him made of the moneys received under the provisions of this act.

Statements to be published.

SEC. 20. That said highway commission herein created shall have power to sue and be sued in the courts of this State for the enforcement of or for the violation of any contract made by it under the provisions of this act.

Corporate powers.

SEC. 21. The highway commission shall have the power to receive, work and care for, guard and maintain convicts from the State's Prison and from counties other than Cleveland, under such rules and regulations as may be agreed upon between them and the proper officials of said prison or counties. It shall be the duty of the highway commission to erect suitable stockades for the safe-keeping and protection of said convicts, when so hired, and to pay the expense of their transportation from and to the State's Prison and the expense of receiving them from other counties.

Convicts from state's prison and from other counties.

Stockades.

Expense of transportation.

Width of
macadam.

SEC. 22. In improving and macadamizing the highways leading through any incorporated town the highway commission shall make the macadam portion of such highways the standard width or the same width as other roads in said township.

Further elections.

SEC. 23. In event that a majority of the qualified voters at said election herein provided for shall fail to vote "For Road Improvement," then the board of county commissioners of said county may order an election or elections to be held in said towns, as herein provided for, at such time or times as they may designate; *Provided*, that an election shall not be had oftener than once each year.

Proviso: limit.

Act not effective
if act for county
ratified.

SEC. 24. If an election is held for the county of Cleveland under another act of the present session of the General Assembly of North Carolina, entitled "An act to authorize the commissioners of Cleveland County to issue bonds to improve the highways of Cleveland County and to create a highway commission therein," at or prior to the holding of any election herein provided for in Number Six Township, and if a majority of the qualified voters at said election for the county of Cleveland should vote the ticket containing the words "For Road Improvement," then this act shall be null and void and no bonds shall be issued hereunder; but if an election should be held in said county and a majority of the qualified voters of the county of Cleveland vote the ticket containing the words "Against Road Improvement," then this act shall remain in full force and effect.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 651.

AN ACT TO ESTABLISH A MUNICIPAL COURT FOR THE CITY OF GREENSBORO AND PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

Court established

SECTION 1. A special court for the trial of petty misdemeanors and to be designated as the "Municipal Court of the City of Greensboro" is hereby established.

Court of record.
Judge.

SEC. 2. Said court shall be a court of record and shall be presided over by a judge who shall be an elector of the city of Greensboro and a licensed attorney at law.

Election of judge.

SEC. 3. Said judge shall be elected by the qualified voters of the city of Greensboro, as is now provided for the election of the mayor of said city, on the first Tuesday after the first Monday in

May, one thousand nine hundred and nine, and shall hold office for Term of office. a term of two years, and his successor shall be elected on the first Tuesday after the first Monday in May every succeeding two years. He shall take and subscribe the oath required by judges Judge to qualify. of the Superior Court and shall receive a salary of one thousand Salary. dollars per annum, to be paid by the city of Greensboro in equal monthly installments, but the board of aldermen may increase the same to as much as twelve hundred dollars per annum, should the amount of business and usefulness of the court justify such an increase.

SEC. 4. The court shall hold daily sessions, Sundays excepted, Sessions of court. at the city hall of the city of Greensboro, or other place designated by a resolution of the board of aldermen, the first session to be held on the day after the expiration of the term of the present Mayor of Greensboro.

SEC. 5. Said court shall have final exclusive original jurisdic- Jurisdiction. tion of all misdemeanors occurring or committed within the corporate limits of the city of Greensboro, as follows, to-wit: Carrying concealed weapons; gaming; keeping gambling houses; keeping bawdyhouses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; resisting officers; malicious injury to real or personal property; trespassing on lands after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without a license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by false pretense; bastardy; disposing of mortgaged property, and all crimes against the public health, as contained in the Revisal of one thousand nine hundred and five of North Carolina, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and all misdemeanors as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five of North Carolina, and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and all crimes which under the common law are misdemeanors wherein the punishment is in the discretion of the court. All of the foregoing offenses are hereby declared to be petit misdemeanors. The said municipal court shall also have the jurisdiction of the mayor of the city of Greensboro and of the justices of the peace in all criminal matters and proceedings arising under the laws of the State or the ordinances of the city of Greensboro: *Provided*, such matters shall arise within the corporate limits of the said city of Greensboro, or outside within one mile thereof.

Acts declared
petit misde-
meanors.
Further juris-
diction.

Proviso: place of
jurisdiction.

Jurisdiction as
court of com-
mittal.

SEC. 6. That in addition to the jurisdiction given in section five of this act said court is hereby given jurisdiction to hear and bind over to the proper court all persons charged with any crime committed within the city of Greensboro wherein the preliminary investigation thereof is now conferred on justices of the peace or on the Mayor of Greensboro: *Provided*, no defendant shall under this section be bound over to the Superior Court in any case of which this court has been given final jurisdiction.

Proviso: defend-
ants not bound
over when court
has final juris-
diction.
Warrants to issue
on complaint.

SEC. 7. Upon complaint made as provided by law, said judge shall issue a proper warrant for any person, firm or corporation charged with the commission of any offense of which said court has jurisdiction, as provided in section three thousand one hundred and fifty-eight of the Revisal of one thousand nine hundred and five of North Carolina. Any person convicted in said court shall have the right of appeal to the Superior Court of Guilford County, as is now provided for appeals from judgments of justices of the peace, and upon such appeal the trial shall be *de novo*.

Right of appeal.

Persons bound
over to superior
court.

SEC. 8. In all cases heard by the judge of said court established by this act as committing magistrate against any person or persons for any offense whereof the said court herein established has not final jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Guilford County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Guilford County to await trial as aforesaid: *Provided*, in all capital offenses said person or persons shall be committed to the common jail of said county without bail.

Proviso: capital
offenses.

Payment of costs.

SEC. 9. All costs incurred in issuing warrants and serving the same, in cases where the judge of said court has not final jurisdiction, as aforesaid, and for the service of process arising in such cases, except as hereinafter provided, shall be paid to the city of Greensboro. Officers serving process issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases, the same, when collected, to be paid over as herein provided.

Fees of officers.

Sentences.

SEC. 10. All persons pleading guilty or convicted in said court of any offense mentioned in this act shall be fined or imprisoned according to law, and any person entering said plea of guilty or who may be convicted of any offense shall pay the cost of the prosecution.

Costs.

Sentence to jail
and road work.

SEC. 11. When any person is convicted or pleads guilty of any offense of which said court has final jurisdiction the said judge may sentence said party to the common jail of Guilford County and assign him to work on the public roads of said county or in the county workhouse or on the streets or other public works of said city of Greensboro, as provided by law.

SEC. 12. The judge herein provided for shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of said court shall be the same as are now prescribed for courts of justices of the peace and of the Superior Court, so far as the same may be applicable to this court; and in case of appeal to the Superior Court, as herein provided, every defendant shall be required to give bond, with sufficient surety, to insure his appearance at said court, and in default thereof the judge shall commit such defendant to the common jail of Guilford County until he shall give bond or be otherwise discharged according to law.

Judge to preside.

Proceedings.

Bond on appeal.

SEC. 13. Said court shall also have jurisdiction to try all actions for the recovery of any penalties imposed by law or by any ordinance of the city of Greensboro for any act done within the corporate limits of said city or outside thereof within one mile from said limits, and said penalty shall be recovered in the name of the city of Greensboro, and in all cases where judgment may be entered against any person imposing a fine and costs, or the costs only, and the person against whom the same is adjudged fails or refuses to pay such judgment, it shall be lawful for the judge of said court to order and require said person to be worked either on the public roads of Guilford county or in the county workhouse or on the streets or other public works of the city of Greensboro until at a fair rate of wages such person shall have worked out the full amount of said fine and costs.

Jurisdiction for recovery of penalties.

Street or road work for fines and costs.

SEC. 14. Said court shall have a seal with the impression "The Municipal Court of the City of Greensboro." which seal shall be used in attestation of writs, warrants or other proceedings, acts, judgment or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Seal of court.

SEC. 15. The Judge of said court may issue his process to the chief of police or to the city police of the city of Greensboro, or to the sheriff, constable or other lawful officers of the county of Guilford or of any other county in the State of North Carolina, and such process, when attested by the seal of said court, shall run anywhere in the State of North Carolina and shall be executed by all officers and returns made according to law: *Provided*, no seal shall be required upon any process issued by or from said court to any officer in the city of Greensboro or the county of Guilford.

Process issued by court.

Process to run.

Provido: seal not required on local process.

SEC. 16. Should the judge of said court be prevented from attending to his duties, on account of sickness or other temporary disability, or by absence from the city of Greensboro, then in that case the board of aldermen of the city of Greensboro shall elect a substitute judge, who shall have the jurisdiction, power and authority herein conferred upon the duly elected judge of said city

Substitute judge.

Vacancy.

court; and in the event said office shall for any cause become vacant the board of aldermen shall appoint his successor to serve for his unexpired term, and such successor shall have all the jurisdiction, power and authority herein conferred upon said court.

Fees to be taxed as costs.

SEC. 17. In each case disposed of by said judge, where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs, be allowed the following fees, to be taxed as a part of the costs against the defendant, viz.: For the judge of said court, two dollars; for the city attorney, two dollars; and for the clerk, the same fees as are now allowed to clerks of the Superior Court in similar cases: *Provided*, that in the trial of cases of which a magistrate has final jurisdiction the fees allowed to the judge and city attorney shall be one dollar each, and the clerk shall be allowed only cost for issuing subpoenas for witnesses; and all costs recovered and collected in said court shall, except as herein otherwise provided, belong to the city of Greensboro. All fines collected shall be paid by the clerk of said court to the county treasurer, as provided by law, and all fees allowed by law for an arrest or the serving of other process in a criminal action, when the same shall have been made by the sheriff, chief of police or other officer who is on a salary, shall be paid over to the treasurer of the city of Greensboro for the use of said city and to reimburse it for the expense of supporting said court.

Proviso: fees when case within justice's jurisdiction.

Costs to use of city.

Fines paid to county treasurer.

Fees of salaried officers.

Appointment of clerk.

SEC. 18. The clerk of this court shall be appointed by the board of aldermen of the city of Greensboro at their first regular meeting in May, one thousand nine hundred and nine, for the term of two years, and his successor shall be elected by said board every two years thereafter. Before entering upon the duties of said office as such clerk, he shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, payable to the State of North Carolina, for the use and benefit of said city and county, for the true and faithful performance of his duties as clerk and for the faithful accounting for and paying over of all moneys which may come into his hand by virtue of the said office. Said bond shall be approved by the board of aldermen of the city of Greensboro. Said clerk shall be paid by the city of Greensboro the sum of three hundred dollars per annum, in equal monthly installments. Said clerk shall make monthly settlements with the county and city treasurer: *Provided*, the office of clerk may be combined by said board with any other city office and one person may be elected by said board to fill both offices.

Clerk to give bond.

Salary of clerk.

Monthly settlements.

Proviso: office may be consolidated.

Prosecuting attorney.

Salary.

SEC. 19. The city attorney of the city of Greensboro shall be the prosecuting attorney in said court, whose duty it shall be to appear for the prosecution in all cases in said court, and for such service he shall be paid by the city of Greensboro such an amount per annum as may be fixed by said board of aldermen, in equal monthly installments.

SEC. 20. It shall be the duty of the clerk of said court to keep an accurate and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender and the nature of the offense, the date of hearing and trial and punishment imposed, which said record shall at all times be open and subject to inspection by the board of aldermen or other persons having business relating to said court. He shall keep a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the Clerk of the Superior Court. He shall also keep in proper files, to be provided by the city, the record of all cases which shall be disposed of in the said court and what disposition has been made of them.

Record to be kept by clerk.

Record open to inspection.

Permanent docket.

Files.

SEC. 21. All cases which have heretofore been hearable by the Mayor of Greensboro shall, after the election and qualification of the judge provided for in this act, be tried by the judge of said municipal court, but no cases which are pending in the Superior Court of Guilford County at the time this act goes into effect shall be transferred to the said municipal court, but the same shall be disposed of in that court: *Provided*, no case can be removed from said judge, as is now provided for the removal of a case from one justice of the peace to another.

Cases pending before mayor.

Proviso: cases not removed.

SEC. 22. The board of aldermen of the city of Greensboro shall at any time have the right to remove the clerk of said court, either for incompetency or neglect of the duties of his office, and in the event of a vacancy from any cause in said office said board shall have the right to fill the same.

Removal of clerk for cause.

Vacancy.

SEC. 23. That whenever under a judgment of the said court any defendant is sentenced to the common jail of the county of Guilford to work on the public roads or in the county workhouse of said county, or to pay a fine and the costs of the action, or the costs only, as provided in this act, and said defendant is imprisoned in the common jail aforesaid, and assigned to the public roads or the county workhouse of said county as aforesaid, for the purpose of working out said fine and costs, or the costs only, as the case may be, and such judgment is carried into effect, the said county of Guilford shall be liable for and shall pay to the treasurer of the city of Greensboro the amount of the costs taxed in said case.

County to pay costs worked out on roads.

SEC. 24. Said court shall have full power, in any case in which he shall adjudge that the prosecution was not required by the public interest, to tax the prosecutor with the costs of said action, and in the event said court shall adjudge that such prosecution is frivolous or malicious he may imprison such prosecutor for the nonpayment of such costs, as provided in section one thousand

Prosecutor taxed with costs.

two hundred and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina, until such costs are paid: *Provided*, when such costs are paid they shall belong to the city of Greensboro.

Proviso: costs to use of city.

Routine powers of court.

SEC. 25. That the court created by this act shall have the same authority for granting continuances, taking bonds, recognizances and rendering judgments on forfeited bonds and recognizances as is now vested by law in the Superior Courts of said State and the rules of law regulating the issuing and service of notices against defendants and their sureties upon such bonds and recognizances, and all proceedings for taking and enforcing judgments in such cases shall be the same as is now provided in like cases for the Superior Courts of such State. Transcripts of any judgment rendered in any case may be docketed in the Superior Court of Guilford County in the same manner and with like effect of any other judgment docketed as provided by law in said court.

Proceedings.

Transcripts of judgment.

Punishment for contempt.

SEC. 26. Said court shall have the same power to punish for contempt and as for contempt as is given the Superior Courts of this State by chapter seventeen of the Revisal of one thousand nine hundred and five of North Carolina, and the procedure in such matters shall be the same as is now provided for said Superior Courts.

Justices of the peace to bind over.

SEC. 27. All justices of the peace shall, in all cases where final jurisdiction is given to the court provided for in this act, require defendants to enter into recognizance for their appearance at said municipal court on the day succeeding such trial, at ten o'clock A. M., on which said court is required to be open, and the witnesses in such case shall be recognized to appear at said time and place, and said justice shall at once turn over to the clerk of said municipal court the warrant, recognizance and other papers in such case. The said clerk shall, upon receipt of the same, enter said case upon the docket of said court, and the judge of said court may try said party either upon the original warrant under which he was bound over or upon a new warrant to be issued by him for said offense.

Case to be docketed. Trial.

Amendment of warrant.

SEC. 28. In all cases the said court shall have the right to amend any warrant issued by the judge thereof or sent up by any magistrate, as hereinbefore provided, in the same manner and to the same extent as justices of the peace are now authorized by law to make amendments of warrants in their courts.

SEC. 29. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as the same may relate to the city of Greensboro.

SEC. 30. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 652.

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

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of Lincoln County are authorized and directed, each year, at the time the county taxes are levied, to levy a road tax of not less than five nor more than thirty-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, 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.

Levy of road tax directed.
Rate.
Tax collected and accounted for by sheriff.
Rate may differ in townships.

SEC. 2. The county treasurer shall keep the taxes from each township as a distinct fund, to be known as the road tax fund of the township, and it shall be expended only in the township from which collected.

Taxes of each township to be kept distinct.

SEC. 3. 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 orders.

SEC. 4. The public road shall be of a width of not less than eighteen feet, clear of ditches, trees, logs and other obstructions, with a roadway in the center ten feet wide, clear of stumps and roots. The 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.

Width of road.
Drainage.

SEC. 5. That for the purpose of carrying out the provisions of this act the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to the nearest ditch, water course or waste ground, and shall be kept open by the said superintendent or supervisors and shall not be obstructed by the

Entry on land for material.
Drains and ditches.
Forfeit for obstructing drains or ditches.

- owner or occupant of such lands or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge land from which timber, stone, gravel, sand or clay were taken, as aforesaid, shall present an account of the same through the county road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price. If they cannot agree with said party as to price, they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said landowner or his agent shall have the right of appeal, as provided for in section thirteen of this act.
- Accounts for material.** SEC. 6. 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.
- Procedure for settlement of price.** SEC. 7. The county commissioners shall appoint in each township such number of supervisors as they may deem necessary for the workings of the roads of said township, who shall give bond in the sum of two hundred dollars for the faithful performance of their duties and the accounting for moneys which shall come into their hands.
- Proviso: right of appeal.** SEC. 8. The county commissioners shall appoint for each supervisor a justice of the peace of the same township as inspector, who shall examine and approve the work done by such supervisor and attach to his account a statement that he has examined the work and that it is properly done and the account is just and correct. He shall receive for his services the same pay as the supervisor, but shall not be allowed for more than one day in one month. Any inspector failing to perform the duties of his office or approving the accounts for work not properly done or excessive in charge shall be guilty of a misdemeanor, and upon conviction fined or imprisoned at the discretion of the court. A justice of the peace is authorized and empowered to take the bond of supervisors in his township and file same with the county commissioners.
- Appropriations to be paid by county.** SEC. 9. Any person desiring to pay his road tax in work shall be allowed to do so at the rate of seventy-five cents per day, but no
- Township supervisors.**
- Bond.**
- Inspectors.**
- Pay of inspectors.**
- Failure to perform duty a misdemeanor.**
- Punishment.**
- Justice of the peace to take bonds.**
- Work in payment of road tax.**

one shall be allowed to work less than one day in settlement of such tax. The person so desiring shall notify the supervisor of the section of road of which he would be "a hand" under the general road law, and the supervisor shall keep a list of all such applicants and notify each of the time and place when and at which the work shall be performed. Persons performing such labor shall be under the direction of the supervisor, as if paid in cash, and may be dismissed for refusing to work or to work as directed. The supervisor may designate any particular work to be done in settlement of the tax. He shall give the person doing the work a receipt for the amount due, which the sheriff, upon presentation, shall credit in payment of the tax. The sheriff shall be paid his fee for each and all taxes paid in work from the road-tax fund of the township in which the work is done.

Notice to supervisor.

Notice to hands.

Work under direction of supervisors.

Receipts for work.

Fee paid sheriff.

SEC. 10. The county commissioners may, if they deem it expedient, elect a superintendent of roads and bridges for the county, to hold office for one year, and give him directions as to the performance of his duties and fix his compensation.

Superintendent of roads and bridges.
Term of office.

SEC. 11. In lieu of appointing supervisors, as required in section seven, the county commissioners are authorized to let the working of the whole or any of the parts of the roads of the township to contract, for cash, 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 may determine. Each contractor shall give bond, in such sum as the board may fix, for the performance of the contract, and shall be the supervisor of his portion of the road and liable to penalty as such.

Roads may be let to contract.

Roads in more than one township.

Contractors to give bond.

SEC. 12. Should the commissioners determine to locate a new road or any portion of an old one, they shall direct the supervisors and inspectors to locate and open the road as the board shall direct. Upon completion of the work the supervisor shall report to the commissioners the amount of any damages he and the inspector deem 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 the damages, as provided by law in the location of roads.

Locating new road.

Report of damages.

Payment or assessment of damages.

SEC. 13. Every supervisor of a road shall cause the same to be measured, where it has not already been done, and at the end of each mile shall mark, in plain, legible and durable manner, the number of the miles, beginning at the county courthouse, continuing and marking the numbers along the roads which he works, and shall keep up and repair such marks and numbers of his road. If a supervisor shall neglect any of the duties prescribed

Roads to be measured.
Mileposts.

Forfeit of supervisor for neglect of duty.

in this section for the space of thirty days after his appointment to office he shall forfeit and pay four dollars and the like sum for every thirty days thereafter the said marking may be neglected.

Ditches across roads.

SEC. 14. Any ditch cut across the road by any person for his individual use or benefit shall be kept covered in a substantial manner by the person so doing.

Bridges and crossings by railroad companies.

SEC. 15. All bridges or crossings made necessary by any railroad now or hereafter constructed shall be constructed and maintained by said railroad company. No railroad shall empty the water of its ditches upon any roadbed or otherwise damage a public road.

Emptying water on roadbed.

Violation of act misdemeanor.

*SEC. 16. Any violation of any of the provisions of this act shall be deemed a misdemeanor.

SEC. 17. All laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 18. That this act shall be in force from and after the first Monday in June, one thousand nine hundred and nine.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 653.

AN ACT TO PROTECT STOCK IN THE VICINITY OF PRINCETON, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful for stock to run at large. Boundary.

SECTION 1. That it shall be unlawful for any live stock to run at large within the following boundaries: Beginning at the Wayne County line, on Little River; thence up said river to Vines Edwards' line; thence with said line to the Deans Mill Road; thence with said road to Oscar L. Peedin's residence; thence with the Pine Level Road to H. F. Peedin's residence; thence on with the Pine Level Road to Tom Woodard's corner, where it joins the Pine Level stock-law fence; thence with said fence to Moccasin Swamp; thence down said swamp, passing Holt's mill, and thence on to Neuse River; thence down said river to the Wayne County stock-law fence, and thence with said fence to the beginning.

Bringing outside land within territory.

That any person owning land on the outside of the land mentioned above in this section shall have the privilege of bringing his or her lands within the provisions of this act by building and extending the fence 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

Proviso: payment of expense.

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 this section: *Provided*, that the proposed fence shall not be located upon any of the lands of Wayne County, and that no part of the expense of constructing and maintaining said fence or gates shall be imposed upon the county of Wayne.

Proviso: adjacent lands only brought in.
Proviso: territory not to extend to Wayne county.

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, with gates on all public roads passing into or through said boundaries, which shall be done by January first, one thousand nine hundred and ten.

When act effective.

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 a fenceway as land is now condemned for railroads. The county commissioners shall have exclusive control of erecting the fence 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 fences.

Control of county commissioners.

SEC. 4. That for the purpose of the next preceding section it shall be lawful for the county commissioners to assess and collect a special tax for the building and repairing of said fence on all real property within the boundaries of said fence, as provided in section one thousand six hundred and eighty-five, Revisal of one thousand nine hundred and five.

Fence tax.

SEC. 5. That any person willfully permitting his or her live stock to run at large within the aforesaid boundaries shall be guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days.

Permitting stock to run at large a misdemeanor.
Punishment.

SEC. 6. That any person willfully tearing down or in any manner breaking a fence or gate established pursuant to this act, or willfully breaking any enclosure within the 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.

Injury to fence or enclosures a misdemeanor.

Punishment.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, cows, sheep, goats, geese and all neat cattle and swine: *Provided*, that in all levies made under section four (4) the constitutional equation in property and poll shall be observed.

Stock defined.

Proviso: constitutional equation in tax levy.

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

Act not effective
until approved by
voters.

SEC. 9. *Provided*, that this act shall not go into effect until it shall have been approved by a majority of the qualified voters within said territory, at an election to be called by the county commissioners of Johnston County under the laws governing the election of members of the General Assembly.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 654.

AN ACT FOR THE BETTER WORKING AND IMPROVEMENT OF THE ROADS AND PUBLIC HIGHWAYS OF THE COUNTY OF GATES, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Levy of tax on
presentation of
petition ordered.

SECTION 1. That for the purpose of building, grading, improving and maintaining in good order the public roads and highways in the various townships of Gates County the board of county commissioners of said county shall have power and it shall be their duty, upon the presentation to them of a petition signed by one-third of the registered voters in any township in said county, to levy and assess, each year, at the time State and county taxes are levied and assessed, upon all the taxable property, both real and personal, of every kind and description, and upon all polls resident in the township from which the petition above referred to may come, a tax of not less than ten cents nor more than thirty-three and one-third cents on each one hundred dollars valuation of property and not less than thirty cents nor more than one dollar on each taxable poll: *Provided*, that in the levy and assessment of the said taxes in the townships petitioning for the same the commissioners, as aforesaid, shall preserve the constitutional equation between the property and polls: *Provided further*, that the board of county commissioners shall not be compelled nor required by this act to levy a tax, as above specified, if a counter-petition, signed by a majority of the registered voters in the township from which the petition asking for the levy comes, shall be presented to the said board of county commissioners at their next regular meeting after the presentation of the first petition above referred to.

Tax rate.

Proviso: constitu-
tional equation.

Proviso: counter-
petition.

Appointment of
roadmaster.

Term of office.

Bond.

SEC. 2. That the county commissioners shall appoint in each township in which a special road tax has been ordered, under the provisions of this act, a competent and suitable person, who shall be known as roadmaster for the township of, who shall hold his office for a term of two years from the date of his appointment. Said roadmaster shall, before entering upon the duties of his office, be required to give a good and collectible bond, payable to the State of North Carolina, in the sum of five hundred

dollars, for the faithful performance of his duties and for the proper accounting for all funds and property which may come into his hands as roadmaster. He shall always be subject to the orders and control of the county commissioners, and may at any time be removed by them for inefficiency, misconduct or other good and valid reasons, and a successor shall be appointed by the said board of county commissioners. Said roadmaster shall, immediately after giving bond, as above stated, take an oath before the chairman of the board of county commissioners to faithfully perform his duties as roadmaster, to look after and take care of all property and correctly account for all funds and property entrusted to him. The said board of county commissioners shall fix and regulate from time to time the amount of compensation the several roadmasters shall receive, and in doing so they shall take into consideration the amount of taxes levied in said townships and the nature of the work necessary to be done.

Roadmaster subject to orders of county commissioners.
Removal for cause.

Roadmaster to qualify.

Pay of roadmasters.

SEC. 3. That it shall be the duty of the roadmaster thus appointed to make an estimate of the amount of money necessary to put the roads in his township, or the worst portions thereof, in good order, and shall make a report of such estimate to the board of county commissioners on or before their regular meeting in the month of June next after his appointment or election, and annually thereafter during his term of office.

Estimates for road work.

Report of estimate.

SEC. 4. The roadmaster shall have charge and management of all hands, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized statement, under oath, of the number of days worked on the roads in his township and number of hands worked each day on the roads, the amount paid each hand and the amount of money by him received, from whom and when received and how the same was disbursed, and a list of the tools and machinery in his hands and the condition thereof, and the condition of the roads at the time the statement shall be rendered, and any other information in reference to his management as roadmaster that may be reasonably required. Said reports shall be made quarterly to the board of county commissioners. Mention shall be made of said report on the minutes of the county commissioners and the original reports plainly labeled and filed in the office of register of deeds of said county. Said reports shall at all times be subject to the inspection of the taxpayers of the county.

Duties of roadmaster.

Itemized statements.

Quarterly reports.

Reports subject to inspection.

SEC. 5. That the taxes levied as above provided for shall be collected by the sheriff or other officer authorized by law to collect taxes for said county, and shall be paid over by him to the county treasurer or the party authorized by law to receive the same. The sheriff shall receive two and a half per cent for collecting the special taxes for public roads, and the treasurer shall receive two and a half per cent for handling said funds.

Collection of tax.

Commission of sheriff and treasurer.

Separate
accounts.

Road orders.

Entry on land for
material

Drains and
ditches.

Obstructing work
or drains or
ditches a mis-
demeanor.

Damaging lands a
misdemeanor.

Procedure for
assessment of
damages.

Order for pay-
ment.

Proviso: right of
appeal.

Persons subject to
road duty.

SEC. 6. That the treasurer or legal custodian of the taxes thus levied and collected shall keep a separate account of all township road funds paid to him by the sheriff or other officer authorized to collect taxes for Gates County, showing the amount of road taxes collected in the several townships, and shall pay out the same only upon the order of the roadmaster or roadmasters of the several townships, and each order shall be charged to the account of the township whose roadmaster shall sign the same.

SEC. 7. That for the purpose of repairing and constructing and improving the public roads the roadmaster shall have authority to enter upon any uncultivated land near to or adjoining the roads or any improved or cultivated lands, when unencumbered by cultivated crops, to cut and carry away timber, except trees or groves left for ornament or shade; to dig or cause to be dug and carried away gravel, earth or sand which may be necessary to repair or improve said roads; to make such drains or ditches through the same as may be necessary for the benefit of the roads, 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 roadmaster, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

SEC. 8. That if in carrying out the provisions of this act any damage shall be done to the lands of any person in the township where the roadmaster has worked, the landowner shall have the right, upon petition to the clerk of Superior Court, to have said damages assessed by three competent freeholders of said township, one of whom shall be selected by the landowner or his agent, one by the board of county commissioners, and these two thus selected shall select the third man, who shall receive one dollar per day each for actual services rendered. The three persons thus agreed upon shall go upon the premises from which said materials shall have been taken or other damages done, and assess the damages done to the said landowners and make a report, in writing, to the roadmaster of the township or townships, whose duty it shall be to issue his order upon the treasurer of said county or the legal custodian of the public-road funds belonging to the township in which said damages have been done, and in favor of the party or parties adjudged to be damaged: *Provided*, that nothing herein shall deny the right of appeal to the Superior Court from the verdict awarded by said arbitrators by either the roadmaster or the landowner.

SEC. 9. That every able-bodied male person between the ages of twenty-one and forty-five years residing in any township adopting this special-tax system for working the public roads in said town-

ship shall be liable annually to perform three days' labor upon the roads of said township, under the supervision and direction of the roadmaster appointed or elected, as the case may be, who may assign such 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 such person shall be discharged from such labor for one year upon the payment to the roadmaster 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 July of said year.

Road duty.

Proviso: commutation.

Proviso: time of payment.

SEC. 10. That any person residing in the township where a special tax shall have been levied under the provisions of this act shall have the right to pay his road taxes by working on the road under the direction of the roadmaster of his township, at the rate of seventy-five cents per day, for a sufficient length of time to pay the special road tax thus levied against him; and the roadmaster is hereby directed to issue an order for the payment to the party so working of an amount equal to the road taxes levied against such person or persons, which shall be honored and paid by the treasurer of said county out of the special road-tax funds of the township of which the person is a resident, if the said person or persons shall have previously paid his special road tax. If the said person or persons shall not have paid his special road tax prior to the working on said road, as herein provided, then the said order shall be good with which to pay his special road tax when demanded by the sheriff or tax collector of said county.

Work in payment of road tax.

Rate.

Order for payment.

SEC. 11. That two-thirds of all the taxes levied and collected under this act, on both property and polls, in any incorporated town shall be applied to the improvement of the streets of said town.

Work in towns.

SEC. 12. That the roadmasters of the several townships in Gates County are hereby authorized and empowered to purchase such necessary and suitable tools and implements as are necessary for the proper working of their roads, and to employ such labor as may be necessary for the proper working of said roads in their respective townships, using economy in such purchases and employment. The said roadmasters are hereby authorized to issue their orders, respectively, in payment of and for such tools, implements and labor and in payment of any other legitimate expenses incurred in the enforcement of this act.

Tools and implements.

Employment of labor.

Payment for tools and labor.

SEC. 13. That all townships in said county from which no petition shall have been filed by the citizens thereof with the county commissioners, as above provided, shall have the right to vote on the question as to whether the said township will adopt the provisions of this act or not at the next general election to be held in said county for the election of a member of the General Assembly.

Townships to vote on adoption of act.

Time of election.

- Ballots. The qualified voters of said township in favor of levying a special tax as provided in this act shall vote a printed or written ballot on which shall be printed or written the words "For Good Roads"; those opposed to levying the tax as provided in this act shall vote a printed or written ballot on which shall be printed or written the words "Against Good Roads"; and if a majority of the votes cast shall be in favor of good roads, then it shall be the duty of the board of county commissioners to appoint a roadmaster and levy the tax for said township as heretofore provided.
- Tax system to continue. SEC. 14. That no election shall be held or petition considered upon the question of good roads in those townships in which the special road tax has been levied until the special-tax system has been in force for a period of five years. At the expiration of five years from the time the special road tax was first levied and collected in any township in Gates County, as provided under this act, upon the presentation to the county board of commissioners of a petition containing the names of one-third of the registered voters of said township it shall be the duty of the board of county commissioners to refuse to levy the special road tax, as herein provided for, in the township from which said petition may come, unless a counter-petition shall be filed at the next regular meeting of the said board of commissioners containing a majority of the registered voters in said township.
- Petition for cessation of tax.
- Counter-petition.
- Act to constitute road law. SEC. 15. That in those townships taking advantage of the provisions of this act, this act shall constitute the law governing and regulating the working the public roads and highways in said township; and the general law applicable to said roads in said township, in so far as it conflicts with the provisions of this act, is hereby repealed: *Provided*, that the general law shall remain in full force in all townships in which the qualified voters do not take advantage of this act or shall by petition repudiate having done so: *Provided further*, that all bridges and ferries now kept up by the county shall hereafter be kept up at the expense of the county, as heretofore.
- Proviso: general law.
- Proviso: bridges and ferries.
- Priority of work. SEC. 16. That it shall be the duty of the roadmasters in the several townships taking advantage of this act to first work the worst places of the roads and give especial attention to the effectual drainage of all roads in their respective townships.
- SEC. 17. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 655.

AN ACT TO REPEAL CHAPTER 84 OF THE PUBLIC LAWS
OF SPECIAL SESSION OF 1908, CONCERNING A ROAD
TAX FOR MURPHY TOWNSHIP, CHEROKEE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-four, public road-tax levy, of Law repealed.
special session of one thousand nine hundred and eight, be and
the same is hereby repealed.

SEC. 2. *Provided*, that this act shall not interfere with the col- Tax of 1908.
lection and disbursement of the tax levy of June the first, one
thousand nine hundred and eight, as provided for in chapter
eighty-four, Laws of special session of one thousand nine hundred
and eight.

SEC. 3. *Provided, however*, that this act shall not take effect ^{Repeal to be}
until the question of repeal be submitted and sustained by a ma- ^{submitted to vote.}
jority of the qualified voters of Murphy Township, on May first, ^{Date of election.}
one thousand nine hundred and ten, at an election to be held in
said township under the regulations now provided by the election
law.

SEC. 4. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 656.

AN ACT TO PROHIBIT THE DUMPING OF SAWDUST IN
THE STREAMS OF JOHNSTON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or ^{Dumping sawdust}
corporation to dump any sawdust in any of the streams of John- ^{in streams unlaw-}
ston County. ^{ful.}

SEC. 2. That any person, firm or corporation violating any of ^{Misdemeanor.}
the provisions of this act shall be guilty of a misdemeanor, and ^{Punishment.}
upon conviction shall be fined not less than ten dollars nor more
than fifty dollars for each and every offense.

SEC. 3. That each time any person, firm or corporation dumps ^{Separate offenses.}
sawdust in any streams of Johnston County shall constitute a
separate and distinct offense.

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

SEC. 5. That this act shall apply only to Johnston County.

SEC. 6. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 657.

AN ACT TO AMEND CHAPTER 231, PUBLIC LAWS OF 1897,
RELATIVE TO THE WORKING ON THE PUBLIC ROADS
IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Payment for
labor.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 658.AN ACT TO AMEND SECTION 1046, CHAPTER 18 OF THE
REVISAL OF 1905 OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Satisfaction to be
entered on index.

SECTION 1. That section one thousand and forty-six, chapter eighteen of the Revisal of one thousand nine hundred and five of North Carolina, be and the same is hereby amended by adding at the end of said section the following: "That when satisfaction of the provisions of any deed of trust or mortgage is acknowledged and entry of such acknowledgment of satisfaction is made upon the margin of the record of said deed of trust or mortgage, as required by the provisions of said section one thousand and forty-six, or when the register of deeds or his deputy shall cancel the mortgage or other instrument by entry of satisfaction, as provided by said section one thousand and forty-six, then it shall be the duty of the register of deeds or his deputy to enter upon the alphabetical indexes kept by him, as required by law, and opposite the names of the grantor and grantee and on a line with the names of said grantor and grantee, the words 'Satisfied Mortgage,' if the instrument of which satisfaction has been acknowledged or entered is a mortgage, and the words 'Satisfied Deed of Trust,' if the instrument of which satisfaction has been acknowledged or entered is a deed of trust."

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 659.

AN ACT TO AMEND CHAPTER 648 OF THE PUBLIC LAWS OF 1905, RELATING TO THE PUBLIC ROADS OF EDGE-COMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and forty-^{Tax rate.} eight of the Public Laws of one thousand nine hundred and five be amended by striking out the word "thirty," in line seven, and inserting the word "forty," and by striking out the words "ninety cents," in line nine, and inserting the words "one dollar and twenty cents: *Provided*, that if the levy of the capitation tax herein authorized would, in connection with such tax levied for other purposes, exceed the constitutional limit therefor, the equation between the capitation and property taxes shall be disregarded." ^{Proviso: constitutional equation.}

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 660.

AN ACT TO PAY THE CLERK OF THE SUPERIOR COURT OF UNION COUNTY A SALARY AND TO MAKE A DEPUTY CLERK OF SAID SUPERIOR COURT EX OFFICIO CLERK OF THE RECORDER'S COURT AND ALSO EX OFFICIO CLERK OF CHAIN-GANG BOARD.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Union County, North Carolina, shall be paid a salary of one hundred ^{Salary to be paid clerk.} and fifty dollars per month, upon the order of the board of county commissioners, to be drawn on the treasurer of said county, which shall be in lieu of all fees due him for services rendered by virtue of his office as clerk of the Superior Court. ^{Salary in lieu of fees.}

SEC. 2. That it shall be the duty of the clerk of the Superior Court of said county to collect all fees due him as such officer and to keep an accurate account thereof in a book kept as a record in his office for that purpose, and quarterly to pay the same to the county treasurer, taking his receipt therefor on the book kept and containing the record for collection of fees. ^{Clerk to collect and pay over fees.}

SEC. 3. That the amount of said salary, as provided in the first section of this act, shall be in full for all services rendered by the Clerk of the Superior Court for Union County in lieu of all fees ^{Salary in full for all services.}

- Proviso: allowance of expenses. heretofore received by said clerk: *Provided*, that the Clerk of the Superior Court of Union County may in the discretion of the county commissioners of Union County be allowed the actual incidental expenses of his office, including stationery, stamps, fuel and blank forms for records: *Provided further*, that the Clerk of the Superior Court of Union County shall keep a competent deputy clerk and shall be allowed an additional sum of not more than forty-five dollars per month to pay said deputy clerk: *Provided further*, that the said deputy clerk shall be and is hereby made *ex officio* clerk of the recorder's court, and it is further provided that said deputy clerk be and is hereby made *ex officio* clerk of the chain-gang board.
- Proviso: deputy clerk.
- Allowance for deputy.
- Proviso: clerk of recorder's court.
Proviso: clerk of chain-gang board.
- Repealing clause. SEC. 4. All laws and clauses of laws heretofore providing for a clerk of the recorder's court in conflict with this act are hereby repealed.
- When act effective. SEC. 5. That this act shall be in force from and after the first day of April, one thousand nine hundred and nine.
Ratified this the 6th day of March, A. D. 1909.

CHAPTER 661.

AN ACT TO CREATE A STOCK-LAW TERRITORY IN PORTIONS OF O'NEAL'S AND OTHER TOWNSHIPS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

- Unlawful for stock to run at large. Boundary. SECTION 1. That it shall be unlawful for any live stock to run at large within the following boundaries: Beginning at a stock-law fence at the mouth of Hayman Road, in Selma Township, near the residence of Charles F. Kirby; thence along the east side of said Hayman Road, between five and six miles, to a point near Ed. Corbett's, in O'Neal's Township, to a new road leading to the Beulah Road; thence about two miles up said new road to the Beulah Road; thence north with the Beulah Road about two hundred yards to a road leading from Beulah Road to Stancil's Chapel; thence up said road to Stancil's Chapel, at the Wilson Road; thence east with the Wilson Road about four miles to the stock-law fence near C. W. Knight's plantation, in Beulah Township; thence with said stock-law fence, as it is now maintained and courses through portions of O'Neal's, Wilder's and Selma townships, back to the point of beginning, near Charles F. Kirby's, in Selma Township. That any person owning land on the outside of the land mentioned above in this section shall have the privilege of bringing his or her lands within the provisions of this act by building and extending the fence so as to include their lands: *Provided*, that such persons shall pay the extra expense
- Extension of territory.
- Proviso: expense of fencing.

that shall be caused for widening or extending the territory, or shall construct the fence without cost to any of the parties living within the boundaries mentioned above; but when the fence is constructed it shall come within the purview of this act, and the outward line of the fence, as so repaired, shall be under the general provisions of this act: *Provided*, the extension as aforesaid shall be only applicable to the lands that are adjacent to the lines specified in section one. Proviso: only adjacent land brought 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, with gates on all public roads passing into or through said boundaries, and proper cattle guards at all streams intersecting said lines. When act effective.

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 fenceway as land is now condemned for railroad rights of way. The county commissioners shall have exclusive control of erecting the fence, gates and cattle guards herein provided for, and the appointment of such keepers, fence commissioners and repairers as they may deem proper, and they are hereby granted full power for that purpose, to be exercised according to the best discretion. Condemnation of land for fenceway. Powers of county commissioners.

SEC. 4. That for the purpose of the next, preceding section it shall be lawful for the county commissioners to assess and collect a special tax for the building and repairing of said fence on all real property within the boundaries of said fence, as provided in section one thousand six hundred and eighty-five of the Revisal of one thousand nine hundred and five. Fence tax.

SEC. 5. That any person willfully permitting his or her live stock to run at large within the aforesaid boundaries shall be guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Permitting stock to run at large a misdemeanor. Punishment.

SEC. 6. That any person willfully tearing down or in any manner breaking a fence or gate established pursuant to this act, or willfully breaking any enclosure within any boundaries where this act is in force and wherein any stock is confined, so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Injury to fence, gate or enclosure a misdemeanor. Punishment.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, geese and all neat cattle and swine: *Provided*, that in all levies made under section four (4) the constitutional equation in property and poll shall be observed. Stock defined. Proviso: constitutional equation to be observed.

SEC. 8. That this act shall be in force from and after the first day of January, one thousand nine hundred and ten. When act effective.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 662.

AN ACT TO PROTECT FISH IN POTECASI CREEK, IN HERTFORD AND NORTHAMPTON COUNTIES.

The General Assembly of North Carolina do enact:

Use of nets
unlawful.

Territory.

Misdemeanor.
Punishment.

When act
effective.

SECTION 1. That it shall be unlawful for any person or persons to use, set or in any manner to fish with any fish trap, pike net, seine or drag net in the waters of Potecasi Creek, in Hertford and Northampton counties, from its mouth to the Creeksville mill, in Northampton County.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 663.

AN ACT REGULATING PACKING AND SALE OF FISH.

The General Assembly of North Carolina do enact:

Appointment of
inspectors.

Branding.

Duties, powers
and fees of
inspectors.
Limit of fees.

Sales to packers
and shippers.

Sales by net
weight.
Weight marked
on package.
Fraudulent
marking a mis-
demeanor.
Punishment.

SECTION 1. The board of county commissioners of every county where fish are packed for sale or shipment shall appoint and qualify one or more sworn inspectors of fish at or near all packing localities, whose duty it shall be to inspect all salt fish packed for sale or shipment; and all barrels, half-barrels and packages of fish inspected and approved by them shall be branded with the word "Inspected" and the name of the inspector. Said board shall regulate and prescribe the duties, powers and fees of said inspector, which fees shall not exceed five cents per barrel of two hundred pounds net and two and one-half cents per half-barrel of one hundred pounds net and smaller packages, to be paid by the shipper. This section shall not apply to fishermen who may sell their fish to packers and shippers by weight or otherwise, as they may agree.

SEC. 2. All salt fish packed for market shall be sold at their net weight, which shall be marked on every package; and any person packing or offering for sale salt fish, fraudulently marking the net weight on the package, shall for each offense be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.

Sec. 3. Each package of salt mullets packed and offered for sale shall be marked or stamped "Large," "Medium" or "Small," and all packages containing any other kind of fish shall be marked plainly the name of the fish contained, and any person who shall pack as principal or shall have the same done by others for him shall be deemed the packer and shall stamp his name and place of packing, together with net weight and size of fish, as prescribed in this section, on the head of each package before offering for sale or shipment, and on failure to pack and stamp as herein prescribed, or to pack or stamp said package falsely, so as to misrepresent the weight or size of the fish in said package, shall be guilty of a misdemeanor and fined not less than five nor more than fifty dollars for each offense, and may be imprisoned at the discretion of the court, not to exceed thirty days: *Provided*, this section shall not apply to packages containing less than fifty pounds net fish: *Provided further*, this section shall not apply to fishermen themselves, but shall apply only to merchants and others who may be classed as packers or brokers, within the proper meaning of the term.

Marks of packages.
Packer defined.
Acts declared misdemeanor.
Punishment.
Proviso: packages containing less than 50 pounds.
Proviso: application of 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.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 664.

AN ACT TO PREVENT THE RUNNING OF SUNDAY EXCURSION TRAINS IN BERTIE AND NORTHAMPTON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any railroad company to operate, run or permit to be run on the Sabbath day, commonly called Sunday, any excursion train on or over any railroad over which no regular passenger train is run and operated on Sunday: *Provided, however*, this act shall not apply to trains run on Saturday and being unavoidably delayed and thereby having to return on Sunday.

Running excursion trains on Sunday unlawful.
Proviso: unavoidable delay.

Sec. 2. That any railroad company violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars for each and every offense. That each county in which said excursion runs on each Sunday shall constitute a separate offense.

Misdemeanor.
Punishment.
Separate offenses.

Application of act. SEC. 3. That this act shall apply only to Bertie and Northampton counties.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 665.

AN ACT FOR THE BETTER WORKING OF A SECTION OF THE DILLON ROAD, IN ALLIGATOR TOWNSHIP, TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Tax to be levied and collected.
Rate.

Application.

Additional tax.
Levy and collection.

Road commissioners.

Chairman and secretary.

Taxes paid over to county treasurer.
Road orders.

Application of funds.

Taxes levied as recommended by road commission.

SECTION 1. That there shall be annually levied and collected in Alligator Township, Tyrrell County, North Carolina, a tax not exceeding ten cents on each hundred dollars' worth of property and thirty cents on each taxable poll, to be applied exclusively to the improvement of the section of public road in said township beginning on the public road known as the Dillon Road, at the southwest corner of W. E. Bateman's field or fence, and extending to Dillon's Ridge. Said tax shall be in addition to the taxes already levied in said township, and the same shall be levied and collected in the same manner and at the same time that the general and special county taxes for the county of Tyrrell are now levied and collected.

SEC. 2. That the board of road supervisors for Alligator Township, and their successors in office, shall, for the purposes of this act, be the board of road commissioners of said Alligator Township, and the chairman and secretary of said board of road supervisors and their successors in office shall be the chairman and secretary of said board of road commissioners.

SEC. 3. That said taxes, when collected, shall be paid to the Treasurer of Tyrrell County, and shall be paid out by him on the order of the chairman of the said board of road commissioners, countersigned by the secretary of said board, and the said treasurer shall accurately keep a separate account of all amounts received and disbursed by virtue of this act.

SEC. 4. That the said Board of Road Commissioners of Alligator Township shall apply all moneys levied and collected under this act to the purchase of material for the improvement of said section of road as in their judgment seems best.

SEC. 5. That the taxes provided for in section one hereof shall be levied by the board of commissioners for the county of Tyrrell,

upon the recommendation of the board of road commissioners, constituted as herein stated, and may be diminished in amount or entirely discontinued at the discretion of the said board of road commissioners.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 666.

AN ACT TO AMEND SECTION 3427 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO UTTERING FORGED PAPER.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand four hundred and twenty-seven of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the words "the preceding section," in the third line of said section three thousand four hundred and twenty-seven, and inserting in lieu thereof the words "section three thousand four hundred and nineteen of the Revisal of one thousand nine hundred and five of North Carolina."

Reference to
section corrected.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 667.

AN ACT TO REGULATE HUNTING IN HARNETT COUNTY AND FOR THE BETTER PROTECTION OF GAME.

Whereas, by wanton destruction, the wild game of the county is Preamble.
fast disappearing from our forests and streams; and whereas, at Preamble.
the present rate of destruction, said game will in a few years
cease to exist; and whereas, in order to better protect and pre-Preamble.
serve said game and regulate the hunting thereof: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons Protection for
to hunt with dogs or gun or in any manner destroy any deer in deer.

- the county of Harnett between the ratification of this act and the first day of November, one thousand nine hundred and fourteen.
- Misdemeanor. SEC. 2. Any person or persons violating any of the provisions
Punishment. of section one of this act shall be guilty of a misdemeanor, and
upon conviction fined not more than fifty dollars nor less than
twenty-five for each and every offense, and the fines so imposed
and collected shall go to the public-school fund of the county.
- Fines to school SEC. 3. That any violation of any of the provisions of sections
fund. one and two of this act shall be prosecuted by the solicitor in the
Superior Courts of the county whenever there is good and suffi-
cient evidence of such violation of law.
- Solicitor to SEC. 4. That it shall be unlawful for any person or persons to
prosecute. chase with dogs any fox or foxes between the first day of April
and the first day of September of each succeeding year: *Provided,*
however, nothing in this act shall prevent any person from des-
troying any fox or foxes at any season of the year on his own
premises when found destroying poultry.
- Close season for SEC. 5. That it shall be unlawful for any person or persons who
foxes. are nonresidents of the county of Harnett to chase with dogs or
in any manner destroy any fox or foxes without first obtaining a
license from the sheriff or other proper officer, for which he shall
pay an annual tax of ten dollars in each township in which he
offers to hunt, or twenty-five dollars for the privilege of the entire
county, for each open season of the year, and the receipts arising
under the provisions of this act shall be accounted for as other
public moneys are accounted for, and paid into the public-school
fund of the county.
- Proviso: foxes SEC. 6. That it shall be unlawful for any person or persons who
destroying poul- are not residents of the county of Harnett to trap any otter, mink,
try. raccoon or other fur-bearing animal, for gain or sale, without first
paying a license tax of ten dollars for each season in which he
operates or follows the business of trapping. Said license tax aris-
ing under this section shall be paid to the sheriff of the county or
other proper officer to receive the same, and shall become a part
of the public-school fund of the county.
- Fox hunters to SEC. 7. That any person or persons violating any of the provi-
obtain license. sions of sections four, five and six of this act shall be guilty of a
misdemeanor, and upon conviction in any justice's court shall be
fined not more than ten dollars nor less than five dollars for each
and every offense.
- License fee. SEC. 8. All laws and clauses of laws in conflict with any of the
provisions of this act are hereby repealed.
- License fees to SEC. 9. That this act shall be in force from and after its ratifi-
school fund. cation.
- Trappers to obtain Ratified this the 6th day of March, A. D. 1909.
- license.
- License tax.
- License tax to
- school fund.
- Misdemeanor.
- Punishment.

CHAPTER 668.

AN ACT TO PROTECT GAME IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to shoot, Open season.
kill or capture or destroy any quail, partridges, pheasants, wild
turkeys or doves in the counties of Scotland and Richmond, ex-
cept between the twentieth of November and the first day of
March of each and every year.

SEC. 2. That it shall be unlawful for any person or firm to sell Selling or keeping
or offer for sale or have or keep in his or her possession for sale game for sale
any of said game birds killed within said counties of Scotland unlawful:
and Richmond for a period of two years after the ratification
of this act.

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

SEC. 4. That all laws and clauses of laws relating to Scotland Repealing clause.
and Richmond counties in conflict with this act are hereby re-
pealed: *Provided*, this act shall not repeal "An act regulating
hunting in Steele's Township, in Richmond County." Proviso: Steele's
township.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 669.

AN ACT FOR THE RELIEF OF SHERIFFS, EX-SHERIFFS
AND TAX COLLECTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That all sheriffs, ex-sheriffs and tax collectors who, Collection of
by virtue of their office, have had tax lists for the purpose of col- arrears author-
lecting the taxes of their respective counties, cities, town or town- ized.
ships in their hands for the years one thousand nine hundred and Years.
five, one thousand nine hundred and six, one thousand nine hun-
dred and seven and one thousand nine hundred and eight, and in
case of death or default, their personal representatives, bondsmen
or any agent that they may designate, are hereby authorized and
empowered to collect arrears of taxes for each of the years afore-
said, under such rules and regulations as are now or may here-
after be provided by law for collection of taxes.

SEC. 2. That no person shall be compelled to pay any tax under Persons not com-
the provisions of this act who holds the receipt in full for the pelled to pay.

years named in section one of this act, or who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor, administrator or guardian be compelled to pay any tax under the provisions of this act after he shall have made a final settlement: *Provided*, that this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the nonpayment of the taxes.

Proviso: sale of land.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs or tax collectors, their representatives or bondsmen, from the liability imposed by law to pay the State, county and other taxes at the time and place required by law.

Sheriffs not released from liability.

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

Termination of authority.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 670.

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

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Bond issue authorized. Amount.

Interest.

Maturity.

Division into series.

Proviso: bonds not to be sold below par.

SECTION 1. For the purpose of building, grading, macadamizing and otherwise improving the roads of Cleveland County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the said county to an amount not exceeding three hundred thousand dollars (\$300,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof at not exceeding the rate of five per centum per annum, with the interest coupons attached, payable semiannually at such time and place as may be directed by said board of county commissioners, such bonds to be of such form and tenor and to be transferable in such way and the principal thereof payable at such time or times, not exceeding fifty years nor less than thirty years from the date thereof, and at such place or places as the said board of county commissioners may determine; and the said board of county commissioners may divide the said issue into six series: *Provided*, that none of the bonds authorized by this act shall be disposed of, by sale, exchange, hypothecation or otherwise, for a less price than their face value.

SEC. 2. Such bonds shall be numbered and shall be signed by the chairman of said board of commissioners and attested by the treasurer of said county, and shall bear the corporate seal of said county, and the coupons attached to these bonds shall bear the number of the bond, as well as the number of the coupon, and shall be executed by the signing of the chairman of the board of commissioners and treasurer of said county or by their lithographic signatures. Authentication.

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

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and support a chain gang and convict force and employ such labor as may be necessary, and establish, alter, repair and maintain the public roads and highways of Cleveland County in good condition, the board of commissioners of the county of Cleveland or other authorities vested with the power of levying taxes for said county shall annually compute and levy, at the time of levying other county taxes, a sufficient tax on all polls, all real estate and personal property and all other subjects of taxation which said commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the taxes on property and the taxes on polls: *Provided*, there shall not at any time be levied in the county of Cleveland for the purpose of road improvement, and including all expenditures made necessary by this act or any act or statute now existing, a tax greater than twenty cents upon the hundred dollars of property and sixty cents on each poll: *Provided further*, that no sinking fund shall be created by such levy within less time than twenty years from the date of issuing of said bonds, but the highway commission hereinafter created may use for the purpose of this act such sums of money remaining after the interest on said bonds shall have been paid. Special tax.
Proviso: limit of tax rate.
Proviso: sinking fund.

SEC. 5. That said taxes, when collected, shall be kept separate and apart from all other taxes and shall be used only for the purpose for which they were collected, except as specified in section four of this act. Taxes kept separate.

SEC. 6. That it shall be the duty of the Board of Commissioners for Cleveland County to annually invest any and all moneys received from the special tax for sinking fund in the purchase of any of said bonds, at a price deemed advantageous to said county by the said board of commissioners and to be agreed upon by them and the owners thereof; but in case said county bonds cannot be purchased at a satisfactory price, then the said commissioners are authorized and directed to invest said sinking fund, upon security Investment of sinking fund.

approved by them and upon terms advantageous to said county, and any money of the said sinking fund so loaned and invested shall bear the legal rate of interest in North Carolina, and any interest from the said fund shall be annually invested in the same way, and the notes taken for said loan shall express on their face that the money borrowed belongs to said sinking fund.

Use of funds.

SEC. 7. That the money received from the sale of said bonds and derived from the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds, and the sum set apart for the sinking fund to pay the principal of said bonds, and such other sums of money as may be at the disposal of the highway commission hereinafter created, shall be used by them to purchase improved road-working machinery, to buy stock, repair, survey, lay out, grade, macadamize, improve and maintain the public roads of said county and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads.

Deposit of bonds.

SEC. 8. That the bonds herein provided for shall be deposited in some safe-deposit company or bank, to be designated by said board of commissioners, and drawn out on the joint order of the chairman of the said board of commissioners and the chairman of the highway commission of said county hereinafter provided for, the proceeds of which shall be applied to the purposes as herein provided for.

Election to be held.

SEC. 9. For the purpose of ascertaining the wishes of the voters of Cleveland County upon the question of issuing said bonds and improving the roads of said county, as provided for in this act, an election shall be held at all the voting precincts in said county of Cleveland at a time to be designated by the Board of County Commissioners of Cleveland County: *Provided*, that the said board of commissioners shall not order an election to be held until they shall have been petitioned by not less than five hundred freeholders who are qualified electors of said county. At said election all voters of said county qualified to vote at said election may vote a printed or written ticket. Those who favor the purpose of this act shall vote a ticket with the words "For Road Improvements" written or printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words "Against Road Improvements" written or printed thereon; and if the majority of the voters of Cleveland County qualified to vote at said election shall vote "For Road Improvements," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as is otherwise and differently provided in this act. There shall be a new registration of the voters of said county for said election.

Proviso: petition for election.

Tickets.

Law governing election.

New registration.

Notice of election.

In ordering said election the board of commissioners shall cause to

be published in some newspaper published in said county a notice of said election, which shall be held not later than thirty days from the date of the first publication of said notice. The registration books for said new registration shall be opened for twenty days before said election, and shall close on the last Friday night at sunset before said election. Registrars and judges of election of each precinct shall meet at their respective precincts on the last Saturday before said election and hear any complaint for refusing of registration, and also all challenges which shall be made against any person admitted to registration; but no name shall be erased from the registration list without notice to said person and a hearing, and said hearing may be on said day or at any day after the registration books shall have closed and including the day of election. The registrars and judges of election shall be appointed by the board of commissioners at the time of ordering said election, and the list of persons so appointed shall be published for two weeks in some newspaper published in Cleveland County; and such notice shall be sufficient service for judges and registrars. There shall be appointed one registrar and two judges of election for each precinct, and said registration and election shall be held in all respects like the election for members of the General Assembly, except as otherwise or differently provided in this act. At the close of the election in each precinct the vote shall be counted and returned, over the signatures of the registrar and judges of the election, or a majority of them, to the board of commissioners of the county of Cleveland. 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 Cleveland County and one copy to the clerk of the Superior Court of said county and one copy retained by the registrar of each precinct. On the second day after the election the board of commissioners for the county of Cleveland 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 Cleveland County, qualified to vote at said election, shall have voted "For Road Improvements," then the bonds provided for in this act shall be issued and sold. At any election held under this act any person who shall not be entitled to registration while the said registration books were open for registration, but shall have become entitled to registration 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.

Registration.

Challenge day.

Hearing.

Appointment of registrars and judges.

Law governing election.

Count and return of vote.

Blanks for abstracts.

Messenger.

Returns in triplicate.

Canvassing board.

Canvass of returns.

Registration on election day.

Registrar to attend at polling place.	SEC. 10. On each Saturday during the period of registration the registrar shall attend with his registration book at the polling place of his precinct for the registration of voters. It shall be the duty of the registrar and judges of election to certify on the returns made by them of the votes cast at their respective precincts in said county the number of voters registered at their precinct on said election; and the registrar shall, on or before the day set for the canvass of the votes by the board of county commissioners, return his registration book to the clerk of the board of county commissioners. The registrar and judges of election shall keep two poll books containing the names of persons voting at their precinct at said election. The registrars shall receive for their services hereunder three cents for each name registered and one dollar (\$1) a day for each Saturday; and the registrar and judges of election shall each receive one dollar and fifty cents (\$1.50) for their services rendered on the day of election and for making the return required by this act; the cost of this election to be paid by the board of county commissioners.
Certificates of number of voters registered.	
Return of registration book.	
Poll books.	
Pay of registrars.	
Pay of registrars and judges of election.	SEC. 11. If a majority of the voters of Cleveland County qualified to vote at said election shall fail to vote "For Road Improvements," then the provisions of this act shall not be operative.
Cost of election.	
Act not operative.	
Repeal of present road laws.	
Road tax in No. 2 township.	
Special road taxes.	SEC. 12. All road laws now existing and in force in Cleveland County shall cease to be in force and effect, and no road tax shall be levied in Number Two Township, as now levied, after January the first next after said election is held, and all special road taxes levied by the commissioners of said county shall not be levied by said commissioners after this act becomes operative: <i>Provided</i> , a majority of the qualified voters of said election shall vote "For Road Improvements."
Proviso: road improvement voted.	
Election of highway commission.	
Political affiliation.	
Pay of commissioners.	
Allowance for expenses.	SEC. 13. If a majority of voters of Cleveland County qualified to vote at said election shall vote "For Road Improvements," then the Board of Commissioners of Cleveland County are hereby directed and required to elect, at their first regular meeting after said election is held, three citizens and residents of said county who are freeholders therein, not more than two of whom shall be of the same political party, and shall be known, designated and compose the "Highway Commission of Cleveland County." They shall each receive for their services three dollars (\$3) per day during the time they are actually employed in the discharge of their duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees and for such other and additional expenses as may be incurred by them in the discharge of their duties. The three men so elected by said board of commissioners shall meet within ten days after their said election and elect one of their number to be chairman and another to be secretary of said commission, and the chairman and secretary
Commissioners to meet and organize.	
Certificate of organization.	

shall certify to the board of county commissioners the name of the chairman of said highway commission and the name of the secretary of said highway commission so elected.

SEC. 14. The Highway Commission of Cleveland County herein created shall have entire charge of the expenditure of the proceeds of the sale of the bonds herein authorized to be issued, and expenditure of the fund derived from the tax authorized by this act to be levied and collected, less the interest on the bonds issued and sold and the amount set apart for the sinking fund; and before entering upon the discharge of their duties under this act each of them shall take and subscribe an oath for the faithful performance of their duties, and file a bond, with sureties approved by the board of commissioners, payable to the Board of Commissioners of Cleveland County, in the sum of five thousand dollars (\$5,000), for the faithful discharge of their duties prescribed by this act. Upon the taking of said oath and the filing and approval of the bonds the board of county commissioners shall turn over to the said highway commission all the road machinery and implements now belonging to said county, taking receipt therefor, and such convict force as may be held by said county shall be subject to the order of said highway commission, who shall pay all costs of maintaining and guarding said convict force out of the moneys provided in this act.

Highway commission to have charge of funds.

Commissioners to qualify.

Bonds.

Road machinery and convict force.

Cost of maintaining and guarding convict force.

SEC. 15. It shall be the duty of the highway commission herein created, immediately upon their qualification and organization as herein provided, to elect some competent and experienced engineer to lay out and supervise the building and macadamizing of the public roads of the county of Cleveland, and fix his compensation and appoint such assistants and overseers as may be necessary. Whenever there shall be a change made in the location of any public road, or new highways opened, or the old roads widened or straightened or repaired, and new land taken for the same, the highway commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways; and if the highway commission and the owner or owners of said land cannot agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned three freeholders, who shall go upon the land and assess 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 that the highways are to be located upon such land under the authority of this act: *Provided*, also, that either party may appeal to the Superior Court, where the matter shall be heard by a jury *de novo*, but no costs shall be awarded against the highway commission in such an appeal when the damages awarded by the jury are

Election of engineer.

Entry on land for work.
Procedure for assessment of damages.

Proviso: notice to landowners.

Proviso: right of appeal.

Appeal not to delay work.	not greater than that given by the three referees, and in no case shall the highway commission be hindered from entering upon the
Maps, profiles and estimates.	lands of any person, firm or corporation by injunction. It shall be the duty of the said engineer, under the direction of the said highway commission, to make maps and profiles of all roads to be located, built and macadamized, and furnish estimates of the dirt and stone to be moved in the construction and macadamizing of
Bids on specifications.	said roads; and if the said highway commission shall determine to let any part of the grading and macadamizing of said roads by contract, then the corporation, partnerships and persons so bidding for said work shall bid upon the specifications for the same furnished by the said engineer. The said highway commission is hereby authorized to let the grading and macadamizing or the grading or macadamizing by contract, of any section of road to be built or any subdivision of any road to be built, to any person, partnership or corporation, requiring the said person, partnership or corporation to give a bond, in such amount as the said highway commission may decide, to complete the said road in accordance with the said specifications of the said engineer within the time prescribed by the said highway commission; or the said highway commission may hire labor and convicts and use the convict force of Cleveland County and have the said roads graded or macadamized, or both, under its direct supervision and under such superintendents as it may employ, whichever it shall determine to be most advantageous to Cleveland County.
Roads may be let to contract.	
Bonds of contractors.	
Work done by commission.	
Sale of bonds.	SEC. 16. That the board of commissioners of the county of Cleveland shall, upon demand made upon it by the chairman and secretary of the highway commission, offer for sale such number of said bonds as may be determined by said highway commission, and the proceeds of the sale of said bonds shall be delivered to the Treasurer of Cleveland County and shall be disbursed by him upon orders duly signed by the chairman of the said highway commission and countersigned by the secretary thereof. The said treasurer is hereby directed and required to keep a separate book of the moneys received by him from proceeds received from the sale of said bonds, and the disbursements and date thereof made by him of the same; and the bond of the said treasurer shall be liable for the faithful accounting of the moneys received by him under this act. The treasurer shall receive no compensation for receiving and disbursing funds under this act. The Sheriff (or tax collector) of Cleveland County shall receive no commission for collecting said taxes herein authorized to be levied, and the bond of the said tax collector (or sheriff) shall be liable for the faithful accounting of the taxes collected by him under this act.
Proceeds delivered to county treasurer.	
Road orders.	
Separate accounts.	
Treasurer liable on bond.	
Treasurer and sheriff to receive no compensation.	
Sheriff liable on bond.	
Expenditure of proceeds of bonds.	SEC. 17. The said highway commission is hereby authorized and directed to expend the proceeds of said bonds as rapidly as it can be wisely and judiciously expended for the purposes herein ex-

pressed, and shall personally visit all sections of the county to determine the location of the highways and macadam roads and ascertain the needs of the people of said sections for macadam roads and other road improvements, and shall cause to be made a correct map of Cleveland County, showing especially thereon all macadam roads and other highways improved by them.

Duty of commission.

Road map of county.

SEC. 18. One member of said highway commission shall be elected for a term of two years, another for a term of four years and another for a term of six years, and at the expiration of the term of each his successor shall be elected for a term of six years. If any member of the highway commission die or resign or become incapable of discharging the duties of his office, or a vacancy be caused otherwise, the board of county commissioners shall elect his successor to fill out the unexpired term.

Terms of highway commissioners.

Vacancies.

SEC. 19. The width and grade of the roads to be laid out, built and constructed by the highway commission under the provisions of this act shall be left to the discretion of said highway commission. The said highway commission is authorized, where public roads shall cross a branch, creek or river, to submit plans and specifications of such bridges, as in their judgment may be necessary, to the board of county commissioners, whose duty it shall be to have said bridges constructed, and same to be paid for out of the funds heretofore or hereafter collected for that purpose.

Width and grade of roads.

Bridges.

SEC. 20. The Treasurer of Cleveland County shall quarterly publish in some newspaper published in Cleveland County an itemized statement of receipts and disbursements by him made of moneys received under the provisions of this act.

Itemized statements published quarterly.

SEC. 21. That said highway commission herein created shall have the power to sue and be sued in the courts of this State for the enforcement of or for the violation of any contract made by it under the provisions of this act.

Corporate powers.

SEC. 22. The highway commission shall have power to receive, care for, guard and maintain and work convicts from the State's Prison and from counties other than Cleveland County, under such rules and regulations as may be agreed upon by them. It shall be the duty of the highway commission to erect suitable stockades for the safe-keeping and protection of said convicts when so hired, and are authorized to pay the expense of said convicts and their transportation from and to the State's Prison and the expense of receiving them from other counties.

Convicts from state's prison and from other counties.

Stockades.

Expense of transportation.

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

Work in towns.

SEC. 24. In event that a majority of the qualified voters qualified to vote at said election herein provided for shall fail to vote

Subsequent elections.

"For Road Improvements," then the board of commissioners may, upon a petition of not less than five hundred freeholders who shall pledge themselves to vote "For Road Improvements" and signify their belief that the majority of the freeholders of Cleveland County will vote "For Road Improvements," order an election or elections to be held, as herein provided, at such time or times as they may designate: *Provided*, that an election shall not be held oftener than once in twelve months.

Proviso: limit.

Apportionment of work.

SEC. 25. The highway commission herein created shall each year distribute the work of improving and reconstructing the highways of the county in each township as equitably as practicable, having due regard to the taxable property in each township.

SEC. 26. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 671.

AN ACT TO PREVENT THROWING GLASS AND OTHER OBSTRUCTIONS IN THE PUBLIC ROADS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Unlawful deposit of rubbish.

SECTION 1. That it shall be unlawful for any person or persons to throw, deposit or cause to be thrown or deposited any glass, broken or unbroken, or any piece of tin, tin can, iron, brickbats, rocks or any other rubbish or waste material on any public road or public roadbed or within twenty feet of any public road or roadbed, where it is liable to frighten any domestic animal, or in any stream, or to injure in any way people traveling upon said road.

Depositing rubbish on lands of others unlawful.

SEC. 2. It shall be unlawful for any person or persons to leave or deposit or cause to be deposited any of the things mentioned in section one of this act upon the lands of another without the permission of the owners of the land.

Abandoned ditches and washes.

SEC. 3. This act shall not be construed to prohibit the throwing or depositing the things herein mentioned in abandoned ditches or washes after having obtained permission from the owners of the land for such purpose.

Misdemeanor.
Punishment.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 672.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OR ROAD SUPERVISORS OF PAMLICO COUNTY TO CONSTRUCT A PUBLIC ROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners or road supervisors of Pamlico County or whomsoever may have authority to build and construct public roads and highways in Pamlico County may, if they think best, construct and build a public road from the junction of the Neuse River Road and Bayboro and Stonewall Road, at what is known as the ginhouse corner, in the most direct and feasible route to a point where the Norfolk and Southern Railway Company's railroad crosses the public road near Blackwell's corner, about one-quarter of a mile from the town of Oriental.

Construction of road authorized.

Route.

SEC. 2. That the right of way for said public road may be procured with the funds in the county treasury belonging to the road fund of said county; and if the same cannot be procured at a reasonable price, then the same may be condemned as provided by law for condemning lands for highways.

Procurement of right of way.

SEC. 3. That after the said public road shall have been made and constructed, the same shall be kept up and maintained as other public roads in said county.

Maintenance of road.

SEC. 4. That the county commissioners or road supervisors or whomsoever may have authority to build or construct public roads and highways or supervise the same in Pamlico County may make and construct the said road provided in section one of this act by the first day of January, one thousand nine hundred and ten.

Time for construction of road.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 673.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO BUILD A BRIDGE WITHIN TWO MILES OF ELKVILLE, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wilkes County are hereby authorized and empowered to build an iron or steel bridge across the Yadkin River at the ford across said river just below Elkhville, or within two miles of said ford, the point to be

Construction of bridge authorized.

- selected by the commissioners of Wilkes County or a competent disinterested committee to be appointed by them, said bridge to cost not more than two thousand dollars (\$2,000).
- Limit of cost.
- Special tax. SEC. 2. That in order to provide a fund for the payment of said bridge the Board of Commissioners of Wilkes County are hereby authorized and empowered to levy a special tax, at their June meeting in the year one thousand nine hundred and nine, of not more than four cents on the hundred dollars valuation of property and not more than twelve cents on each poll, to be placed on the tax list and included and collected with the current annual tax for said year of one thousand nine hundred and nine.
- Rate.
- Contract let for bridge. SEC. 3. That the contract for the building of said bridge may be let by the Board of Commissioners of Wilkes County to the lowest responsible bidder, at a date not later than twelve months from the ratification of this act.
- SEC. 4. That all laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.
- SEC. 5. That this act shall be in force and effect from and after its ratification.
- Ratified this the 6th day of March, A. D. 1909.

CHAPTER 674.

AN ACT TO AMEND CHAPTER 114, PUBLIC LAWS 1907, FOR THE BETTERMENT OF PUBLIC ROADS OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. Amend section ten of chapter one hundred and fourteen, Public Laws of one thousand nine hundred and seven, as follows: After the word "election," in line twenty-four of said section, add the following sentence: "There shall be an entirely new registration of voters for the said election, and the board of commissioners of said county shall furnish necessary and suitable books for that purpose."
- New registration.
- Revision of registration books. SEC. 2. Amend said section further by striking out the following sentence, beginning in line thirty-four: "The registration books used in general elections shall be delivered to and revised by the registrars appointed under this act."
- Convict work for townships. SEC. 3. Amend section fifteen by adding thereto the following: "The provision of this act for the maintenance of a system of working the public roads by the convicts of said county shall apply to any township issuing bonds in accordance with this act."
- SEC. 4. That this act shall be in force from and after its ratification.
- Ratified this the 6th day of March, A. D. 1909.

CHAPTER 675.

AN ACT TO BETTER PROTECT THE GAME BIRDS IN
BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to kill or destroy any quail, partridges, pheasants, doves, robins, larks or wild turkeys between the fifteenth day of February and the first day of December in any year: *Provided further*, that this act shall not apply to persons trapping for birds in the open season on their own land. Close season.
Proviso: trapping
in open season.

SEC. 2. That it shall be a misdemeanor for any person or persons to willfully suffer to run at large any dog owned by him or them or in his or their keeping which destroys the eggs or the young of quail or partridges or that kills or destroys domestic fowls of any kind, and on conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor to
allow dogs to run
at large.
Punishment.

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

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 676.

AN ACT TO AMEND CHAPTER 322 OF THE PUBLIC LAWS
OF 1907, CHANGING THE BOUNDARY LINE OF AHOSKIE
TOWNSHIP, IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: Insert after the word "at" and before the word "the," in line three of section one, the following: "Bonner's bridge; thence up Ahoskie Swamp from said bridge to the mouth of Turkey or Mitchell's Mill Branch; thence up said branch to." Strike out the word "its," in line ten, and insert the word "the"; and after the word "mouth" and before the word "thence," in line ten, insert the following: "Holly Swamp; thence up said swamp to the old Brown's or Dilday mill." Changes in
boundary.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 677.

AN ACT TO AMEND SECTION 924, REVISAL 1905, PERMITTING CLERKS OF COURTS TO PAY FIFTY DOLLARS INSTEAD OF TWENTY DOLLARS TO MOTHERS OF INDIGENT CHILDREN.

The General Assembly of North Carolina do enact:

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 678.

AN ACT TO SEPARATE THE CIVIL AND CRIMINAL TERMS OF COURT FOR LENOIR COUNTY AND TO ABOLISH THE SECOND WEEK OF THE DECEMBER TERM.

The General Assembly of North Carolina do enact:

Terms. SECTION 1. That the Superior Courts in Lenoir County shall be opened and held at the times hereinafter set forth, to-wit: Eighth Monday before the first Monday in March, to continue one week; eleventh Monday after the first Monday in March, to continue one week; second Monday before the first Monday in September, to continue one week; fourteenth Monday after the first Monday in September, to continue one week. These terms shall be for the trial of criminal cases and such other matters as are hereinafter designated. First Monday after the first Monday in March, to continue two weeks; fourteenth Monday after the first Monday in March, to continue two weeks; ninth Monday after the first Monday in September, to continue two weeks. These three terms shall be for the trial of civil cases exclusively.

Terms for criminal cases.

Terms.

Terms for civil cases only.

Process and pleadings. Civil matters heard at criminal terms.

SEC. 2. Civil processes may be returnable to and pleadings filed out, all except herein designated. Civil trials which do not require a jury, motions and divorce cases may be heard at such criminal terms, and any other civil actions may be heard by consent at such terms.

No grand juries for civil terms. Solicitor not required to attend.

SEC. 3. That no grand juries shall be drawn or summoned for the terms of court herein designated as civil terms exclusively, and the solicitor shall not be required to attend nor entitled

to his certificate for attendance at any such civil terms unless there are cases on the civil docket which he appears in officially.

SEC. 4. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

SEC. 5. That this act shall be enforced from and after the first day of April, one thousand nine hundred and nine, and a certified copy of this act shall be sent to the commissioners of Lenoir County immediately after its ratification. When act effective.
Copy to be sent.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 679.

AN ACT TO PREVENT NONRESIDENTS WHO OWN NO LAND IN GRAHAM COUNTY FROM RANGING OR GRAZING STOCK OF ANY KIND IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation who do not live in Graham County and who do not own land therein to range or graze any stock of any kind within the borders of said county. Act declared unlawful.

SEC. 2. That anyone violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor.
Punishment.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 680.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DURHAM COUNTY TO PROVIDE FUNDS FOR THE ERECTION OF A SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Durham County be and is hereby authorized and empowered to borrow a sum not to exceed five thousand dollars (\$5,000) for the purpose of erecting school buildings in said county, said amount to supplement any funds they may have in hand. Power to borrow money.
Amount.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 681.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF
LEXINGTON TOWNSHIP TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Board incor- porated. Corporate name.	SECTION 1. That the Board of Trustees of Lexington Township, Davidson County, shall be and remain a body corporate, under the name of the "Board of Trustees of Lexington Township,"
Corporate seal. Election of mem- bers. Property vested.	and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. The said corporation shall be and remain vested with all the property, real and personal, choses in action, rights in action and all other rights, privileges and powers owned, held and enjoyed by the Board of Trustees of Lexington Township by virtue of existing
Corporate powers.	laws and the provisions of this act. Said corporation shall be capable of doing so, and is hereby authorized and empowered to receive gifts and grants, and to purchase real and personal prop-erty, to hold, sell, mortgage or transfer the same for public-road purposes, and to prosecute and defend suits for or against said
Conveyances.	corporation. Conveyances to said board of trustees prior to or sub-sequent to the passage of this act shall be to them and to their successors in office, and all deeds, mortgages and other agreements affecting real estate, and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.
Bond issue authorized. Amount. Denominations.	SEC. 2. That said board of trustees are hereby authorized and empowered to issue bonds of the township to an amount not ex-ceeding the sum of one hundred thousand dollars (\$100,000), of denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date at the rate not
Interest.	exceeding five per cent per annum, with interest coupons attached, payable semiannually, at such time and place as the board may
Maturity.	direct, and the principal thereof shall be payable at such time and place as said board may determine, in accordance with the pro-visions of section three following.
Maturity. Designation.	SEC. 3. The bonds shall be made payable not less than thirty years nor more than forty from the date thereof, and shall bear on the face thereof the following to designate the purpose for which they were issued: "Public Roads Bonds of Lexington Town-ship." The bonds and coupons shall be numbered and shall be
Authentication.	signed by the chairman of the said board of trustees and counter-signed by the secretary of said board, and bear the corporate seal of said board of trustees.
Use of funds. Roads to be macadamized.	SEC. 4. The funds received from the sale of said bonds shall be used for the purpose of laying out, improving, straightening, grad-ing and macadamizing the public roads of Lexington Township,

and no section of said roads or highways shall be graded, improved or straightened with said funds unless the section so graded, improved or straightened shall be macadamized as soon thereafter as expedient.

SEC. 5. The board of trustees shall have the power and they are hereby authorized to use the convicts and all the force connected therewith, as now constituted and provided for in Lexington Township under existing laws, and pay all expenses for same out of said funds arising from the sale of said bonds, and they may use the tools and machinery belonging to the township, and they may buy additional tools and machinery and hire other labor as necessity demands for carrying into effect the provisions of this act; and said board may contract with the State of North Carolina, and the State of North Carolina is hereby authorized to contract with the Board of Trustees of Lexington Township for the use of such a number of convicts as may be needed from time to time by said board, for such compensation as will indemnify the State of North Carolina against losses for the services of the same, said board paying such contract price and all other attendant expenses out of said funds arising from the sale of said bonds.

Use of convict force.

Tools and machinery.

Other labor.

Convicts from state.

SEC. 6. That the roadbed in said township laid out, constructed, prepared and worked under this act shall not be less than twenty feet nor more than forty feet wide, and the part of the bed which shall be macadamized shall not be less than nine feet nor more than fourteen feet wide, and turnouts may be provided at proper and convenient distances along the narrow roads for passing.

Width of roadbed.

Width of macadam.

Turnouts.

SEC. 7. That the said board of trustees shall not issue the bonds herein provided for, or any part thereof, until they shall have first submitted the question to the qualified voters of the township at an election to be held for that purpose. Said election shall be held and conducted in the same manner as is prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that said board of trustees shall order and call an election and appoint the registrars and judges of election and all other election officers, and fill vacancies for any cause; and the registration and challenge of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly; and for said election the said board of trustees shall order a new registration and provide therefor as the law directs in State elections. The votes shall be counted at the close of the polls by the registrars and judges of election, and they shall make two written statements or returns and deliver them to the board of trustees at noon on the day following said election, and said board of trustees shall canvass the same and declare the result of the election and record in the minutes of the board the return and the finding and declaration of the board of trustees, and the other

Issue of bonds to be submitted to voters.

Law governing election.

Proviso: call of election and appointment of election officers.

Registration and challenge of voters.

New registration.

Count of votes.

Returns.

Canvass of returns.
Declaration and record of result.

return and a copy of the finding shall be filed with the register of deeds, to be recorded in his office, and no other recording shall be necessary.

Ballots.	SEC. 8. That at said election the ballots cast by the qualified electors shall be a white slip of paper upon which is written or printed "For Good Roads" or "Against Good Roads." The qualified electors favoring and voting for the issuing of said bonds shall cast their ballots "For Good Roads," and the qualified electors who oppose and vote against issuing said bonds shall cast their ballots "Against Good Roads."
Advertisement of election.	SEC. 9. That said election shall be advertised by the board of trustees for thirty days immediately preceding the day of election in some newspaper published in the township, with notice of registration, as the law provides in other elections. If it is found
Issue and sale of bonds.	that a majority of the registered qualified voters of the township have cast their ballots "For Good Roads," the board of trustees shall have prepared and shall issue bonds as provided for herein, and put upon the market such an amount of bonds as they may deem necessary to prepare for and begin work on the public roads
Proviso: limit of annual issue.	and continue the same as rapidly as may be expedient: <i>Provided, however,</i> that no bonds shall be issued in any one year in excess of the estimated expenditures of that year. If it shall be found
Further elections if bonds not voted.	that the majority of the registered voters have not cast their ballots "For Good Roads," no bonds shall be issued, but this shall not destroy this act nor prevent said board of trustees from submitting the question again to the qualified voters of the township, without a new registration, at a subsequent election called by said board for that purpose at any time within four years from the holding of the first election.
Deposit of proceeds. Funds kept separate.	SEC. 10. When any of said bonds are sold the proceeds of such sale shall be turned over to the county treasurer, who shall keep said funds and all other funds provided for in this act and which
Separate accounts. Bond of treasurer.	may come into his hands separate from all other funds, and he shall keep a separate account of the same; and said county treasurer, before any money shall be turned over to him, shall execute an official bond, payable to said board of trustees, in a sum one-fourth greater than the sum which may come into his hands by reason of this act, conditioned for his faithful safe-keeping and accounting for the same, and in all things holding and disbursing
Road orders.	and accounting for the same as is required of him by law; and all orders directed to said treasurer for payment of money under this act shall bear on their face that they are good-road bonds orders.
Election of treasurer.	But if said county treasurer refuses or fails to make the foregoing bond, then the said board of trustees shall elect some proper person as treasurer of said board, who shall serve under the provisions and directions set forth above.
Bonds not sold below par.	SEC. 11. That no bonds authorized by this act shall be disposed of, by sale, exchange, hypothecation or otherwise, for a less price

than their face value, nor shall said bonds or their proceeds be used for any other purpose or purposes than those declared by this act. A record shall be kept by said board, in a book provided for that purpose, setting forth the amount of bonds issued and sold, the date of sale, to whom sold, the number of the bond and the date of maturity of each bond.

SEC. 12. That for the purpose of paying the interest accruing on said bonds issued under this act the board of trustees are authorized and directed to take and appropriate of the money collected for public-road purposes, as is provided for by existing laws applicable to Lexington Township in chapter three hundred and seventy-five, Public Laws of one thousand eight hundred and ninety-nine, and apply as much thereof as is necessary for the payment of said interest whenever the same is due; and said board may at any time, after the expiration of five years from the ratification of this act, create a sinking fund from the taxes collected for said road purposes by setting aside a sum thereof annually for the payment of the principal of said bonds at maturity. Any money thus appropriated may be invested in the purchase of said township bonds, if they can be purchased at par, but in case such bonds cannot be purchased the said board may lend said sinking fund, or any part thereof, in sums as they may deem proper, for a length of time not greater than the time elapsing six months prior to the maturity of the bonds next coming due, for the redemption of which such money may be needed, taking as security for the payment thereof mortgages or deeds of trust on real estate sufficient to amply secure the same, or said township bonds may be taken as collateral security for said loans at not exceeding their par value. In issuing said township bonds the board of trustees shall cause to fall due in any one year not more than ten thousand dollars of the bonds, exclusive of all interest.

SEC. 13. That upon finding the result of the election to be in favor of the issuing of bonds, or as soon thereafter as the board may deem necessary, said board of trustees shall call a meeting of the justices of the peace of the township in a joint session with said board for the purpose of electing by ballot a road commissioner for Lexington Township, and in this joint session each justice of the peace and each member of the board has one vote in each ballot that may be taken for road commissioner. Of this meeting the chairman of the board of trustees shall be the chairman. The result of said election shall be declared and recorded in the proceedings of the said board of trustees. Seven shall constitute a quorum in this meeting, with power to elect as aforesaid. If no election is made by this meeting, the board of trustees shall within ten days thereafter proceed to elect such road commissioner. Said person so elected shall take and subscribe an oath for the faithful performance of his duties as road commissioner, and shall

Specific appropriation.

Record of bonds.

Payment of interest.

Sinking fund.

Investment of sinking fund.

Bonds to fall due in installments.

Election of road commissioner.

Chairman of meeting.

Declaration and record of result. Quorum.

Road commissioner to qualify and give bond.

	execute an official bond before entering upon any of said duties, with sufficient surety, in the sum of one thousand dollars, for the faithful performance of his duties and accounting for all money and property which may come into his hands as said officer. Said bond shall be made payable to the board of trustees of Lexington Township and shall be approved by said board and recorded as are other official bonds. Said commissioner shall hold his office for two years from the first Monday in June of the year elected, and shall be elected biennially thereafter, except that the board of trustees may, for incompetency or inability or neglect to perform the duties of the office, or for other good cause, remove said road commissioner from his said office and elect a successor for the unexpired term, subject to the same causes for removal. There shall be held biennially on the first Monday in June a joint session of the township justices of the peace and the board of trustees for the purpose of electing a road commissioner for said township, who shall give bond and take oath as aforesaid. Said road commissioner shall enter upon his duties and work when directed by said board of trustees to begin, and his wages shall be fixed by said board.
Term of office.	
Removal for cause.	
Meetings for election of road commissioner.	
Wages.	
Power of road commissioner in locating and changing roads.	SEC. 14. That said road commissioner is hereby given power and authority, subject to the approval of the board of trustees, with the aid of a competent civil engineer, to locate and relocate, widen or otherwise change any part of any public road, where, in his judgment, such location, relocation or change will prove advantageous to public travel; and for the purpose of laying out, locating, relocating, broadening, changing, opening up or constructing or working any public road herein provided for, the road commissioner or anyone acting under his authority, by his direction or under his supervision, may enter upon the lands of any person and proceed to open, build and construct the road, and may use stone, earth, timber or any necessary materials contiguous to said road for opening, constructing and working said road; that when any person or persons on whose land the new road or part of a road is to be located claims damages therefor in excess of what the board of trustees may deem just, and shall within thirty days petition the board of trustees of the township for a jury to assess the damages, the said board, within not less than fifteen nor more than sixty days after the completion of said road, shall order a jury of freeholders of the township, of not less than three nor more than five persons, none of whom shall be related to the person claiming damage, to be summoned by the sheriff of the county or the constable of the township, on a notice issued by the said board of trustees, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the next regular or called session of the said board of trustees; that said jury, in considering the question of damages, shall take into consideration the benefits
Entry on land for construction and materials.	
Procedure for assessment of damages.	
Benefits to be considered.	

to public travel and to the owner of the land, and if the said benefits be considered equal to the damage sustained the jury shall so declare. The sheriff or constable serving the process shall be allowed the sum of twenty-five cents for each person for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the township fund. The officer making the service shall serve a copy of the summons on each freeholder summoned for a jury, unless such freeholder accepts service. The damage, if any awarded, shall be paid out of the good-roads fund of the township. In case either party interested shall be dissatisfied with the findings of the jurors, such dissatisfied party may appeal to the Board of Trustees of Lexington Township, and if dissatisfied with their decision may in turn appeal to the Superior Court of the county of Davidson, and an appeal taken from the judgment of the board of trustees by either party may be without bond, and the same shall be heard *de novo*; but the judge may in his discretion require either party to give bond when the appeal is taken to the Superior Court: *Provided*, that the party to whom damages are awarded shall recover no more cost than a sum equal to the amount of damages so awarded.

Fees of constable and jury.

Payment of damages.

Right of appeal.

Judge may require bond on appeal.

SEC. 15. That said road commissioner shall be an experienced and practical builder of macadamized roads, and in laying out and grading the public roads in said township preparatory to macadamizing them he may have the assistance of a practical civil engineer, who shall be employed by the board of trustees for this purpose. The road commissioner shall have general supervision of all the public-road forces in said township, and shall direct their work in accordance with the orders of the board of trustees. He shall have general supervision of the convicts and shall appoint a superintendent of the chain gang and all the guards, subject to the approval of the trustees. Said road commissioner shall keep the time of all employees on the road and an account of all work done by contract, and certify the same to the board of trustees, and said board shall buy such material and machinery as they may deem necessary for the construction of said roads, and they may contract for material to be furnished for road building and may let sections of road grading out by contract, when it is deemed expedient to do so, and pay for same out of the good-roads fund; and all salaries, fees and expenses attending and incurred in laying out, constructing and building macadamized roads in Lexington Township shall be paid out of said funds, the board making order for same upon the treasurer in manner and form as is provided for by existing laws.

Qualifications of road commissioner.
Civil engineer.

Enumeration of powers and duties.

Purchase of material and machinery.
Roads may be let to contract.

SEC. 16. That this act is not to interfere with or hinder or change the plan of public-road work in the township provided for in chapter three hundred and seventy-five, Public Laws of one

Road work not interfered with.

thousand eight hundred and ninety-nine, as the same be directed by the board of trustees and paid for out of the tax fund therein provided for.

Roads to be macadamized. SEC. 17. That said board of trustees may and they are hereby authorized and directed to extend the building of macadamized roads herein provided for from the courthouse of Davidson County in four different directions over four leading highways, but no one of said roads shall be built farther than three and one-half miles from said courthouse until all other main thoroughfares proposed to be so worked are macadamized an equal distance, unless such road or roads touch the township line within a shorter distance. Length. This does not prohibit the board from omitting to macadamize any part of said roads which in their judgment does not need macadamizing, or the working of the same might with benefit be deferred until roads more urgent are macadamized, nor shall it prohibit said board from beginning the work on said roads at any point within said three and one-half miles from said courthouse, where in their judgment it is most practicable and will facilitate Details of work. and cheapen the work. All highways diverging from said four public roads leading from the county courthouse shall not be improved out of the funds herein provided for within the limits of Lexington, nor shall others be extended or built therein out of said funds.

Deposits of road funds. SEC. 18. That the board of trustees may in their discretion direct the treasurer to deposit in a State or national bank any part of the funds herein provided for which may not be used for road purposes for six months thereafter, and take certificates therefor, bearing interest, which shall go to said public-road funds.

Expense of elections. SEC. 19. That all expenses arising by virtue of this act, in calling, conducting, holding and providing for the elections in the township, shall be paid by the board of trustees out of the tax funds of the township; and if the election shall be found to be in Expense of issuing and selling bonds. favor of issuing said bonds, all expenses incurred in preparing, issuing and selling said bonds shall be paid by said board out of the funds arising out of the sale of said bonds.

Notes and deeds of trust. SEC. 20. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of the board of trustees, and the treasurer shall be named as a trustee in all deeds of trust, but any road officer who shall be interested, directly or indirectly, in any loan or any benefits arising therefrom shall be guilty of a misdemeanor.

Interest by road officer misdemeanor. SEC. 21. That all laws and clauses of laws in conflict with this Repealing clause. act are hereby repealed.

Act extended to other townships. SEC. 22. The benefits and provisions of this act shall be and they are hereby extended and made to apply to every other township in Davidson County as fully and perfectly as they do to Lexington

Township, and as fully as if the same were repeated in this act in full for each township named therein; and for the purpose of effecting this, the board of trustees of each township in Davidson County are hereby created a body corporate, under the name of the "Board of Trustees of" (here insert name of township); and such bodies corporate are hereby clothed and vested with all of the rights, title, responsibilities and privileges in their respective townships which are by this act expressly conferred upon the Board of Trustees of Lexington Township. The election to be held in other townships than Lexington shall be in all respects similarly conducted as herein provided for Lexington Township, and the bonds to be issued by said townships shall be issued in substantially the same form and manner, upon substantially similar terms as those herein provided for Lexington Township.

SEC. 23. That the Board of Commissioners of Davidson County are hereby authorized and empowered to issue the bonds of said Davidson County to an amount not exceeding the sum of five hundred thousand dollars, of denominations of not less than one hundred nor more than one thousand dollars, bearing interest from their date at a rate not exceeding five per cent per annum, with interest coupons attached, payable semiannually, at such time and place as the board may direct, and the principal thereof shall be payable at such time and place as the board may determine. Said bonds shall be made payable not less than thirty years nor more than forty years from the date thereof, and shall bear on their face the following to designate the purpose for which they were issued: "Public-road Bonds of Davidson County." The bonds and coupons shall be numbered and shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board and bear the corporate seal of said board. The funds received from the sale of said bonds shall be used for the purpose of carrying out, improving, straightening, grading and macadamizing the public roads of Davidson County. But the said board of county commissioners shall not use the bonds herein provided for, or any part thereof, until they shall have first submitted the question to the qualified voters of the county, at an election to be held for that purpose, which said election shall be held and conducted in substantially the same manner as is prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall order and call the election and appoint the registrars and judges of election and all other election officers, and fill vacancies for any cause. The registration and challenge of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly. For said election the said board of county commissioners shall order a new registration and provide therefor as the

Township trustees incorporated.

Corporate names.

Rights, responsibilities and privileges.

Conduct of election and issue of bonds.

County bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Use of proceeds.

Question of bond issue submitted to voters.

Conduct of election.

Proviso: county commissioners to call election and appoint election officers.

Registration and challenge of voters.

New registration.

Count of votes.	law directs in State elections. The votes shall be counted at the close of the polls by the registrars and judges of election, who shall make two written statements or returns, and deliver them to the board of county commissioners at noon on the day following said election, and said board of county commissioners shall canvass the same and declare the result of the election, and record in the minutes of the board the return and the finding and declaration of the board of county commissioners, and the other returns, and a copy of the finding shall be filed with the Register of Deeds of Davidson County, to be recorded in his office, and no other recording shall be necessary. At said election the ballots cast by the qualified electors shall be a white slip of paper upon which is written or printed "For Good Roads" or "Against Good Roads." The qualified electors voting for the issue of said bonds shall cast their ballots "For Good Roads," and the qualified electors who oppose the issue of said bonds shall cast their ballots "Against Good Roads." The said election shall be advertised by the board of county commissioners for thirty days immediately preceding the day of election in some newspaper published in Davidson County, with notice of the registration, as the law provides in other elections. If the majority of the registered qualified voters of the county cast their ballots in said election "For Good Roads," the board of trustees shall have prepared and shall issue bonds as provided for herein, and shall put the same upon the market as they may deem proper. If a majority of the registered voters cast their ballots "Against Good Roads," no bonds shall be issued by said board of county commissioners, but this shall not destroy the provisions of this act relative to the board of county commissioners, nor prevent said board of county commissioners from submitting the question again to the qualified voters of the county, without a new registration, at a subsequent election called by said board of county commissioners for that purpose, at any time within four years from the holding of the first election: <i>Provided</i> , that no election shall be called for the purpose herein named unless one-third of the qualified voters of the county or township, as the case may be, as per the registration books of the next preceding election, shall file with the board of county commissioners of said county a petition for said election: <i>Provided further</i> , that at the time of the said election in each township there shall be elected by the qualified voters thereof the road trustees provided for in this act.
Returns.	
Canvass of returns.	
Record of result.	
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Ballots.	
Advertisement of election.	
Issue and sale of bonds.	
Subsequent elections if bonds not voted.	
Proviso: subsequent election to be on petition.	
Proviso: election of road trustees.	

SEC. 24. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 682.

AN ACT TO ESTABLISH THE OFFICE OF TREASURER OF
BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and ten, there shall be a treasurer for the county of Bertie. Date when office established.

SEC. 2. That at the next general election held in Bertie 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. Election of treasurer.

SEC. 3. That the compensation of the said treasurer shall be two and a half per centum on all disbursements of the general county funds, school funds and special funds disbursed by said officer. Compensation of treasurer.

SEC. 4. That in all other respects the general laws relative to county treasurers in North Carolina shall apply to the Treasurer of Bertie County. General law applicable.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 683.

AN ACT TO AMEND CHAPTER 860, PUBLIC LAWS 1907.
TO INCREASE THE JURISDICTION OF THE RECORDER'S
COURT, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases of larceny and receiving stolen property hereafter committed in the county of Union, where the value of the property alleged to have been stolen or received does not exceed the sum of twenty dollars, the punishment for the first offense shall not exceed imprisonment in the county jail or on the public roads a longer period than one year, and all such offenses hereafter committed in said county are hereby declared petty misdemeanors, and the recorder's court shall have original jurisdiction thereof: *Provided*, the right of appeal shall not be impaired. Punishment for petty larceny, first offense. Petty misdemeanor. Jurisdiction. Proviso: right of appeal.

SEC. 2. That in all trials of criminal cases before said court the recorder may upon his own motion remove the trial thereof to the subrecorder; and upon affidavit of either party to the action, made before evidence is introduced, that he is unable to obtain a fair trial before said recorder, it shall be his duty to Removal of trial to subrecorder.

- remove the trial thereof to the subrecorder, which affidavit shall contain specifically the reasons alleged for such removal; *Provided*, that the reasons for such removal, as set out in the affidavit, are not impertinent and that such affidavit is made in good faith and not for the purpose of securing a continuance; and in all criminal cases before the subrecorder which shall not have been removed from before the recorder the subrecorder shall in like manner, upon like affidavit, remove the trial thereof to the recorder: *Provided further*, that in each case removed from before the recorder a fee of two dollars shall be taxed in the bill of costs, in case of conviction, and collected as other costs, and paid to the subrecorder, which shall be the only compensation received by him, except when he is acting as recorder in his absence, when he shall receive the compensation now provided by law: *Provided further*, that no cause shall be more than once removed nor have the effect of continuing the trial thereof for a longer period than three days.
- Jury trials.** SEC. 3. In all cases where a jury may be demanded, as provided in the act creating said recorder's court, the jury shall be secured as provided for in courts of justices of the peace. The jury shall be selected from the township in which the offense is alleged to have been committed, and for this purpose the said recorder shall be furnished, upon application, by the commissioners of the said county a list of the qualified jurors of each township, respectively, and he shall keep said lists in separate boxes, from which the jury shall be drawn as herein provided.
- Selection of jury.**
- Jury lists.** SEC. 4. That the clerk of the said court shall be required to give a good and sufficient bond, in like manner as other county officers, for the faithful discharge of his duties. The amount of said bond shall be fixed by the board of county commissioners of said county, approved by them and filed as other bonds for county officers.
- Clerk to give bond.**
- Warrants of justices returnable to recorder.** SEC. 5. That the justices of the peace in Monroe Township, except in incorporated towns and cities in said township, may, upon application made as by law provided, issue warrants as other justices of the peace in the county, returnable for trial to the recorder, and in all cases where a warrant for any offense is issued by a justice of the peace, as provided for in this section, the justice shall make said warrant returnable to the said recorder, and the defendant, when arrested, shall be required to appear before the recorder for trial in the same manner as if the warrant had been issued by the recorder, and the recorder's court shall have jurisdiction thereof, as if the warrant had been issued by the recorder.
- Eligibility to recordership.** SEC. 6. Any qualified elector shall be eligible to election to the office of recorder.
- SEC. 7. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 684.

AN ACT FOR THE RELIEF OF THE INMATES OF THE
SOLDIERS' HOME, AT RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That a pension of six dollars per annum, payable Quarterly pension. in equal quarterly installments of one dollar and fifty cents each, on the first days of January, April, July and October in each year, be paid to all inmates of the Soldiers' Home, at Raleigh.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 685.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS
OF PENDER COUNTY TO BE PAID \$3 PER DAY FOR
THEIR SERVICES.

The General Assembly of North Carolina do enact:

SECTION 1. That each of the county commissioners of Pender Per diem. 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 such mileage as is Mileage. now allowed by law.

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 be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 686.

AN ACT TO ALLOW J. BIS. RAY TO USE THE INDEX OF
THE REVISAL OF NORTH CAROLINA OF 1905 IN A
DIGEST OF THE SUPREME COURT REPORTS OF NORTH
CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That J. Bis. Ray be and he is hereby authorized to Right to use use any or all portions of the index to the Revisal of one thou- index. sand nine hundred and five in a digest of the Supreme Court

Right to use
digest.

Reports of North Carolina now in course of preparation by him, and he is hereby authorized to use in said digest any and all sections of said Revisal in said digest to any extent he may desire.

Copyright not
abridged.

SEC. 2. That nothing in this act shall be construed to abridge the right of the State in its copyright of said Revisal or in any way interfere with same further than to grant the above right to said J. Bis. Ray.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 687.

* AN ACT TO AMEND SECTION 1, CHAPTER 732 OF LAWS OF 1907, IN REGARD TO THE SUPREME COURT MARSHAL.

The General Assembly of North Carolina do enact:

Salary.

SECTION 1. That section one of chapter seven hundred and thirty-two of the Laws of one thousand nine hundred and seven be amended by striking out the words "twelve hundred and fifty." in line six of said section, and inserting in lieu thereof the words "fifteen hundred."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 688.

AN ACT TO REGULATE THE GAME LAW OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That sections one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six of the Revisal of one thousand nine hundred and five be amended by adding at the end of each of said sections the following: "Wake, from the first day of March to the fifteenth day of November."

Application of act.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 689.

AN ACT TO AMEND CHAPTER . . . , RATIFIED FEBRUARY 23, 1909, ENTITLED "AN ACT TO PREVENT THE SALE OF CERTAIN COMMODITIES AT THE ANNUAL MEETING OF THE LOWER COUNTRY LINE PRIMITIVE BAPTIST ASSOCIATION."

The General Assembly of North Carolina do enact:

SECTION 1. That the words "Upper Country Line Primitive Baptist Association and" be inserted before the words "Lower Country Line Primitive Baptist Association" wherever found in the act ratified February twenty-third, one thousand nine hundred and nine, entitled "An act to prevent the sale of certain commodities at the annual meeting of the Lower Country Line Primitive Baptist Association."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 690.

AN ACT TO AMEND CHAPTER 636, PUBLIC LAWS 1905, PROVIDING FOR THE WORKING OF THE PUBLIC ROADS IN JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section twelve of chapter six hundred and thirty-six of Public Laws of North Carolina by striking out the word "March," in line thirteen of said section, and inserting in lieu thereof the word "May"; also amend section nineteen of said chapter by striking out the word "may," in line one of said section, and inserting in lieu thereof the word "shall"; also amend section twenty of said chapter by inserting after the word "supervisor," in line one of said section, the following words: "superintendent or overseer"; also amend section twelve of said chapter by inserting after the word "officer," in line eleven of said section and before the word "of," in said line, the following words: "to be appointed and authorized to collect same by the board of road commissioners."

Time for payment of commutation.

Requiring bonds of supervisors mandatory. Officers in charge of machinery and implements.

Officers collecting commutation.

SEC. 2. That all laws and clauses of laws in conflict with the amendments provided for in section one of this act are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 691.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CRAVEN COUNTY TO BUILD A PUBLIC ROAD IN NOS. 1 AND 3 TOWNSHIPS.

The General Assembly of North Carolina do enact:

Construction of
road authorized.

Route.

Bridge or viaduct.

Use of convict
force.

Contribution by
third township.

Construction to
begin.

SECTION 1. That the county commissioners of Craven County be and are hereby authorized and empowered to build a public road leading from the town of Cove City to and through the town of Fort Barnwell; thence to the bridge across Neuse River, near Maple Cypress, and from the foot of the bridge on the Number One Township side, across the lowgrounds, to construct a bridge or viaducts, out of the general fund in the treasury of Craven County.

SEC. 2. That for the purpose of building said road from Cove City to the foot of the Maple Cypress bridge the county commissioners be and are hereby authorized to use and work the convict force now used exclusively on Eighth Township roads of said county.

SEC. 3. That upon the raising and payment of a contribution by the citizens of Third Township of a sum not less than five hundred dollars the said county commissioners of Craven County are hereby authorized to begin the construction of said road by the county convict force, as aforesaid.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 692.

AN ACT TO PREVENT THE USE OF DRAG NETS IN CERTAIN STREAMS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Use of drag nets
unlawful.

Waters affected.

SECTION 1. That it shall be unlawful for any person or persons to haul or use any drag net in the waters of Vandemere Creek and its tributaries, Smith's Creek, Chappel's Creek and its tributaries, Trent Creek and its tributaries and Bay River and its tributaries, from the mouth of Trent Creek to the head of both its northwest and southwest prongs, for the purpose of catching or taking fish from said waters.

SEC. 2. That any person or persons violating the provision of Misdemeanor. the first section of this act shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than ten Punishment. dollars or imprisoned not less than five days nor more than ten days for each and every offense.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 693.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST INTO THE CREEKS AND RIVERS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any owner, lessee, firm or corporation or any other person having charge of any sawmill in Stanly County to throw the dust of said mill or permit the same to go into the creeks and rivers of Stanly County, and 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. Throwing or permitting sawdust in streams a misdemeanor.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 694.

AN ACT TO PROMOTE AND ENCOURAGE THE RAISING OF QUAIL AND OTHER GAME BIRDS IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any owner of or person having control of any dog used in hunting birds or animals to permit the same to run at large between the first day of May and the first day of September in each and every year. Unlawful to permit dogs to run at large. Time.

SEC. 2. That any person so offending shall be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not exceeding five days. Misdemeanor. Punishment.

SEC. 3. That it shall be the duty of the sheriff, deputy sheriff, constables and justices of the peace to enforce this law by having all dogs described in section one of this act impounded, and after Dogs to be impounded.

Dogs not
redeemed to be
killed.

Officers failing to
discharge duty
guilty of mis-
demeanor.

Punishment.

Application of
law.

keeping the same for five days, unless redeemed by the owner or person having control of the same by paying the fine and cost imposed by the justices of the peace, he shall kill the dog.

SEC. 4. That any such sheriff, deputy sheriff, constable or justice of the peace, who, after his attention has been called to any such dog running at large, shall fail to have the said dog impounded and a warrant issued for the owner of or person in whose control said dog may be, shall be guilty of a misdemeanor and fined not exceeding twenty-five dollars.

SEC. 5. That this act shall apply to Rockingham, Granville and Catawba counties only.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 695.

AN ACT TO REPEAL SECTION 3073, REVISAL OF 1905 OF NORTH CAROLINA, AND PROVIDE A NEW SECTION THEREFOR.

The General Assembly of North Carolina do enact:

Examination and
adjustment of
weights and
measures.

SECTION 1. That section three thousand and seventy-three (3073) of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby repealed and the following enacted in lieu thereof:

Forfeit for
neglect.

"Sec. 3073. Every person, firm or corporation using weights and measures of any and every kind which shall be used in buying or selling or bartering, or for hire, or in fixing or determining the amount of toll or charge or rate for any service shall allow or permit the standard keeper of the county to try, examine and adjust by the standard, at least once every two years, all the said weights and measures of any and every kind used as aforesaid, and every person, firm or corporation who shall neglect to comply with the requirements of this section shall forfeit and pay fifty dollars, to be recovered at the suit of the standard keeper, one-half to his use and the other half to the use of the county wherein the default occurs. It shall be the duty of the standard keeper, when practicable, to mark, by stamp or brand, the weights or measures found or made to agree with the standard, and shall give a certificate of such examination and adjustment, stating the weights and measures examined and adjusted. This section shall not apply to the counties of Beaufort, Bertie, Bladen, Currituck, Gaston, Halifax, Lincoln, Montgomery, Moore, Northampton, Rutherford, Swain, Warren, Yancey and Ashe, and in these counties the office

Stamp and certi-
ficate of correct-
ness.

Counties
excepted.

of standard keeper is abolished. In Wilson County, whenever any person, firm or corporation has had his or its weights and measures tried by the standard, and sealed or stamped as aforesaid, such person, firm or corporation 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 herein provided, and for failure shall then be subject to the penalties mentioned in section three thousand and sixty-seven.”

Adjustment on
complaint in
Wilson county.

Notice of com-
plaint.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 696.

AN ACT TO REPEAL CHAPTER 754, PUBLIC LAWS OF 1907,
AND CHAPTER 114, PUBLIC LAWS, EXTRA SESSION OF
1908.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and fifty-four, Public Laws repealed. Laws of North Carolina, session of one thousand nine hundred and seven, entitled “An act to create the office of tax collector and to place the Sheriff and Treasurer of Columbus County on a salary,” and chapter one hundred and fourteen, Public Laws of North Carolina, extra session of one thousand nine hundred and eight, entitled “An act to amend chapter seven hundred and fifty-four of the Public Laws of one thousand nine hundred and seven.” be and the same are hereby repealed: *Provided*, that the tax collector of Columbus County shall collect the taxes for the county of Columbus for the years one thousand nine hundred and nine and one thousand nine hundred and ten, coming due during his present term of office, under the provisions of said chapter seven hundred and fifty-four, Public Laws of one thousand nine hundred and seven, aforesaid, and shall receive a salary of one thousand five hundred dollars per annum during his term of office for all the services performed by him as tax collector, which shall be paid to him by the treasurer of said county of Columbus out of the county funds, by order of the board of

Proviso: taxes for
1909 and 1910.

Salary of tax
collector.

commissioners of said county, issued by the clerk of said board, upon warrant, as required by law, which shall be paid to the tax collector in equal monthly installments, as he may desire, not exceeding his salary in any one year.

Salary of treasurer.

SEC. 2. That the Treasurer of Columbus County shall receive a salary of one thousand dollars per annum in full compensation for his services as treasurer, which shall be paid to him by order of the board of commissioners out of the county funds.

Fees and commissions to use of county.

SEC. 3. That the fees and commissions now provided by law to be retained by the treasurer of said county for his services as treasurer shall be paid to the commissioners of Columbus County and shall go to increase the county fund.

Commissions of tax collector to use of county.

SEC. 4. That for the years of one thousand nine hundred and nine and one thousand nine hundred and ten the fees and commissions now provided by law for sheriffs as tax collectors shall be paid to the said commissioners of Columbus County and shall go to increase the county fund: *Provided*, this section shall apply to said fees and commissions on taxes becoming due during the term of office of the present tax collector.

Proviso: fees during present term of office.

No tax collector to be elected.

SEC. 5. That no tax collector for Columbus County shall be elected at the next general election held for the purpose of electing the county officers for said county.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 7. This act shall be in force from and after the first Monday in December, one thousand nine hundred and ten, except section five of this act, which shall be in force from and after the ratification of this act.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 697.

AN ACT TO AMEND A CHAPTER OF THE PUBLIC LAWS OF 1909, RELATIVE TO WORKING AND REPAIRING THE PUBLIC ROADS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Correction.

SECTION 1. That section nineteen of a chapter of the Public Laws of one thousand nine hundred and nine, entitled "An act to provide a system of working and keeping in repair the public roads of Montgomery County," be and the same is hereby amended by striking out the word "bonds," after the word "township," in line three, and inserting in lieu thereof the word "funds."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 698.

AN ACT TO PROTECT BIRDS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to ship, carry or in any way convey any quail or partridges, for the purpose of barter, to any point outside of Yadkin County. Shipping or carrying away forbidden.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars and not more than ten dollars or be imprisoned not less than ten days nor more than twenty days for each and every offense. Misdemeanor. Punishment.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 699.

AN ACT RELATING TO THE PROTECTION OF DEER IN SCOTLAND AND RICHMOND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt, chase, shoot or kill any deer in the counties of Scotland and Richmond, save and except from the fifteenth day of November to the fifteenth day of December of each year. Open season.

SEC. 2. Any person having in his possession any dead deer between the fifteenth day of December and the fifteenth day of November of the succeeding year shall be *prima facie* guilty of a violation of section one of this act, and the fact of such possession shall be evidence to establish *prima facie* guilt of such person. Possession of dead deer prima facie evidence.

SEC. 3. Any person violating section one of this act shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court. Misdemeanor. Punishment.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 700.

AN ACT TO AMEND SECTION 2429, CHAPTER 58 OF THE
REVISAL OF 1905 OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*Limitation on
pound nets.

SECTION 1. That section two thousand four hundred and twenty-nine of chapter fifty-eight of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the word "one-eighth," in line seven of said section, and inserting in lieu thereof the word "one-fourth."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 701.

AN ACT TO ENCOURAGE STOCK RAISING IN MADISON
COUNTY.*The General Assembly of North Carolina do enact:*Statement con-
cerning animals
used for propaga-
tion to be filed.

SECTION 1. That it shall be unlawful for any person or owner or agent for or employee of any owner of any stud horse, jack, bull or stock hog to turn to any mare, jennet, cow or sow for the purpose of raising colts, calves or hogs, for hire or otherwise, without first filing in the office of the Clerk of the Superior Court for Madison County a full statement, showing the kind and character of stock of said stud horse, jack, bull or stock hog, or without having fully paid into the office of the said clerk the fee hereinafter provided for the registration of said stud horse, jack, bull or stock hog and receiving a license from said clerk, shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that said stock mentioned in this section shall be at least three-fourths pure blood.

Fee for registra-
tion.Misdemeanor.
Punishment.Proviso: breeding
of animals.

License fee.

SEC. 2. That the said clerk shall collect from any person, before issuing license, the sum of ten dollars for stud horse or jack, five dollars for bull and one dollar for stock hog, which said license tax shall be paid into the general road fund of said Madison County, to be used for that purpose, and in addition thereto shall pay twenty-five cents to the clerk of the Superior Court for issuing the license, which license shall be for a term of one year.

Fee for issuing
license.

SEC. 3. *Provided*, that this act shall not apply to any person or persons who shall keep, use or own their own stud horse, jack, bull or stock hog for the purpose of breeding and raising colts, calves and hogs from their own mares, jeunets, cows or sows. Proviso: animals owned and kept for private use.

SEC. 4. That this act shall be in full force from and after its ratification and shall only apply to Madison County. Application of act.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 702.

AN ACT TO AMEND SECTION 4445 OF THE REVISAL OF 1905, SO AS TO PROVIDE FOR THE BETTER SANITATION OF COURT ROOMS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand four hundred and forty-five of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following words: "He shall cause the county court room to be thoroughly fumigated and otherwise put in proper sanitary condition during the week preceding each and every regular and special term of the Superior Court, and the expense there incurred shall be defrayed out of the general county fund." Court room to be fumigated and put in sanitary condition. Expense.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 703.

AN ACT TO AMEND CHAPTER 96, PUBLIC LAWS 1907, RELATING TO THE EXTENSION OF THE TIME TO COMMUTE, COMPROMISE AND SETTLE THE PUBLIC DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out the word "nine," in line four of section one thereof, and inserting in lieu thereof the word "ten," and by striking out all of said section after the word "seven," in line seven, and inserting in lieu thereof the words "to the first day of July, one thousand nine hundred and ten." Time extended.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 704.

AN ACT TO AMEND CHAPTER 50, SECTIONS 2081 AND 2089,
OF THE REVISAL OF 1905, RELATING TO THE MARRIAGE
CEREMONY.*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter forty-seven, Public Laws of the extra session of one thousand nine hundred and eight, be and the same is hereby repealed.

Minister authorized to perform ceremony.

SEC. 2. That section two thousand and eighty-one of the Revisal of one thousand nine hundred and five be amended by inserting after the word "denomination" and before the word "or," in line five, the words "minister authorized by his church."

Minister to whom license directed.

SEC. 3. That section two thousand and eighty-nine be amended by inserting the words "minister authorized by his church" after the word "denomination" and before the word "or," in line three thereof, and the words "or authorized" after the word "ordained" and before the word "minister," in line thirty-two thereof.

Minister to make return of license.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 705.

AN ACT TO AMEND SECTION 641 OF THE REVISAL, IN REFERENCE TO THE TIME OF ADVERTISEMENT OF REAL ESTATE SOLD UNDER EXECUTION, DEED IN TRUST, MORTGAGE, ETC.

The General Assembly of North Carolina do enact:

Publication once a week.

SECTION 1. That section six hundred and forty-one (641) of the Revisal of one thousand nine hundred and five (1905) be amended by inserting in line six (6) thereof, between the words "published" and "for," the words "once a week."

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 706.

AN ACT TO PROVIDE PROPER SANITARY SURROUNDINGS
FOR THE STATE CHARITABLE AND EDUCATIONAL IN-
STITUTIONS.*The General Assembly of North Carolina do enact:*

SECTION 1. That on the petition of a majority of the legal voters living within a radius of one-quarter of a mile of the administrative building of any State educational or charitable institution, it shall be unlawful for any person or persons to keep swine or swine pens within the said radius of one-quarter of a mile. Keeping of swine or swine pens unlawful, on petition.

SEC. 2. That any person violating this law shall be guilty of a misdemeanor and be subject to fine of not less than ten nor more than fifty dollars. Misdemeanor. Punishment.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 707.

AN ACT TO AMEND SECTION 1051 OF THE REVISAL OF
1905, RELATIVE TO HOLDING INQUESTS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and fifty-one of the Revisal be and the same is hereby amended by inserting in line five (5) thereof, after the word "persons" and before the word "to," the following: "or at the request of the solicitor." Inquest at request of solicitor.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 708.

AN ACT TO PROTECT MUSKRATS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to shoot, trap or spear any muskrats in Currituck County between the first day of May and the first day of October in each year. Close season.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 709.

AN ACT TO AMEND SECTION 573 OF THE REVISAL OF 1905,
RELATIVE TO THE DOCKETING OF JUDGMENTS.*The General Assembly of North Carolina do enact:*

Entries in cases
affecting title to
property.

SECTION 1. That section five hundred and seventy-three of the Revisal of one thousand nine hundred and five be amended by adding to said section the following: "In all cases affecting the title to real property the clerk shall enter upon the judgment docket the number and page of the minute docket where the judgment is recorded, and if the judgment does not contain particular description of the lands, but refers to a description contained in the pleadings, the clerk shall enter upon the minute docket, immediately following the judgment, the description so referred to."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 710.

AN ACT TO PROTECT GAME IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Close season for
deer.

Close season for
partridge or wild
turkey.

Misdemeanor.

Punishment.

Rights of non-
resident land-
owners.

Proviso: hunting
only on owned
land.

Application of act.

SECTION 1. That it shall be unlawful for any person or persons to hunt or kill any deer in Pamlico County between the first day of February and the first day of September of each year, or hunt or kill any partridges or wild turkeys between the first days of March and November of each year; and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon being found guilty by any court having jurisdiction shall be fined not less than two nor more than five dollars for each and every offense.

SEC. 2. That any nonresident of the State who owns as much as two thousand acres of land in said county of Pamlico or stock in any corporation to the amount of one thousand dollars shall have all the rights and privileges to hunt that citizens of the said county of Pamlico have: *Provided*, that they shall hunt only on their own lands.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 711.

AN ACT TO APPOINT A COMMITTEE TO INVESTIGATE
DEBT DUE SHELLFISH COMMISSION.

Whereas the Shellfish Commission holds a claim against the State of North Carolina for the amount of about eight thousand seven hundred and ninety-seven dollars; and whereas the General Assembly has not had time or opportunity to inquire into and determine as to the justness of the same: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Y. T. Ormond, J. R. Gordon and R. A. Dough-ton be and they are hereby constituted a committee to look into and pass upon said claim, and recommend what portion thereof, if any, should be paid by the State; and the Auditor is directed to draw his warrant upon the treasury for the payment of such sum as said committee may find to be due.

Preamble.

Preamble.

Committee to pass upon claim.

Payment of sum recommended.

SEC. 2. That said committee shall be paid for their services four dollars per day for each day they are engaged in said work, and mileage, as allowed members of the General Assembly.

Payment of committee.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 712.

AN ACT TO AMEND CHAPTER 286 OF THE PUBLIC LAWS
OF 1899, RELATIVE TO WORKING THE PUBLIC ROADS
OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-four of chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out the words "one hundred and," in line three.

Location of steam sawmill.

SEC. 2. That section twenty-eight be amended by adding at the end thereof: "Provided, the county commissioners may in their discretion extend the time for working on new roads to not more than six days in each year."

Proviso: road duty extended.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 713.

AN ACT TO FORBID THE SALE OF CERTAIN NARCOTIC DRUGS TO HABITUÉS AND TO REPEAL A CLAUSE OF CHAPTER 77, ACTS OF 1907.

The General Assembly of North Carolina do enact:

Right to sell
habitués
rescinded.

SECTION 1. That section one of chapter seventy-seven of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: Strike out, between the word "medicine," in line thirty-nine, down to and including the word "sellers," in line forty-one, to-wit, the words "nor to sales at retail by retail druggists to habitués personally known as such to the sellers."

Punishment.

SEC. 2. That section three of said chapter be amended by striking out all after the word "conviction," in lines three and four, down to and including the word "months," in line nine, and inserting in lieu thereof "shall be fined or imprisoned in the discretion of the court."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 714.

AN ACT TO INCORPORATE THE ALAMANCE BATTLE GROUND COMPANY.

The General Assembly of North Carolina do enact:

Purpose of incorporation.

SECTION 1. That for the purpose of preserving and adorning the grounds on and over which the battle of Alamance was fought, on the sixteenth day of May, one thousand seven hundred and seventy-one, and the grounds on and over which the battle known as "Pyle's Hacking Match" was fought, on the twenty-fifth of February, one thousand seven hundred and eighty-one, and of commemorating the virtues of the brave men who struggled there, by the erection of monuments, tombstones or other memorials, and by beautifying the grounds, the following persons, to-wit, Dr. W. A. Coble, Erwin A. Holt, Maj. John W. Graham, Gen. Julian S. Carr, Col. Robert L. Holt, Dr. George W. Long, W. L. Spoon, Dr. W. T. Whitsett, Dr. E. L. Moffitt, Col. Joseph M. Morehead, R. D. W. Connor, Col. J. Bryan Grimes, Capt. J. A. Turrentine, P. E. Shaw and M. C. S. Noble, be and are hereby declared to be a private corporation, until their successors are elected, by the name of the "Alamance Battle Ground Company."

Corporators.

Corporate name.

SEC. 2. Said company shall have power to contract and sue and be sued, by its corporate name; may have a common seal and exercise all the ordinary and general powers of a private corporation of this kind. It shall have power to acquire, by gift, grant or purchase, the title of all lands on or over which the said battle of Alamance was fought, and of all lands on or over which the said battle of "Pyle's Hacking Match" was fought, or any part thereof, or adjacent thereto, not exceeding one hundred acres, or rights of way or other easements of land or water necessary or convenient for the proper enjoyment of said land. It may erect houses thereon, for use or ornament; erect monuments, tombstones or other memorials; may adorn the grounds and walks, supply the grounds with water, plant trees, flowers and shrubs thereon, and do any other like things for the improvement and beautifying of the property. It may allow the United States or any State or corporation or individual to erect any monument, tombstone or other memorial or any ornament or useful improvement thereon, or to lay out a public highway to or through said grounds, to carry out the purposes of this act, on such terms as may be agreed upon by the parties. It may receive gifts or aid from the United States, any State, corporation or individual, or agree with them to make any improvement thereon. Any city, town or other municipal corporation may make donations to said company for such purposes as hereinbefore specified. Said company may make all necessary by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State, for the proper care, protection and regulation of the property of said company and the monuments, tombstones, memorials, houses and other property and ornaments and adornments thereon, or for the protection of the trees, flowers, shrubbery, walks, lawns, springs, wells or other like property thereon.

Corporate powers.

Power to acquire lands.

Rights of way and easements.

Further enumeration of powers.

Monuments.

Gifts from United States or this state or individuals.

Donations to company authorized.

By-laws, rules and regulations.

SEC. 3. It shall be a misdemeanor, punishable by fine or imprisonment, if any person or corporation shall willfully destroy, demolish, deface or misuse any monument, tombstone or other memorial, or any fence, enclosure, tree, shrub, flower, spring, well or any ornament or adornment placed upon the grounds or any tree growing thereon, or shall willfully deface, destroy or demolish any house, pavilion or like fixtures thereon, or shall willfully trespass on the grounds after being notified not to do so by any official or employee of said company, or shall willfully obstruct the ways and walks of the company leading to or over the grounds.

Injury to or trespass on property of company a misdemeanor.

SEC. 4. That the principal office of said company shall be in Burlington, North Carolina.

Principal office.

SEC. 5. That for carrying out the purposes and objects of this act the sum of one hundred dollars for the year one thousand nine hundred and nine and the sum of one hundred dollars for the year one thousand nine hundred and ten be appropriated out of funds

Appropriation.

in the hands of the State Treasurer not otherwise appropriated, and upon the order of said company or its proper officials the State Auditor is hereby empowered and directed to draw his warrant for this sum upon the State Treasurer.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 715.

AN ACT TO REGULATE THE HUNTING OF QUAIL, PARTRIDGES, WILD TURKEYS AND OTHER GAME BIRDS IN ALAMANCE 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, wild turkeys or other game birds in the county of Alamance between the first day of February and the fifteenth day of November in any year.

Misdemeanor.

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, or to allow any bird dog to run at large during the months of May, June, July and August in each and every year.

Punishment.

Bird dogs not to run at large.

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 716.

AN ACT TO AMEND SECTION 1409 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Election of justices.

SECTION 1. That section one thousand four hundred and nine of the Revisal of one thousand nine hundred and five be amended by striking out the word "Harnett," in line four.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 717.

AN ACT TO PROTECT GAME IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. No person shall hunt, kill, shoot or chase with dogs any deer between the first day of January and the first day of September in each year. Close season for deer.

SEC. 2. No person shall hunt, kill or shoot any quail, squirrels or wild turkeys between the first day of March and the first day of November in each year. Close season for quail, squirrels and wild turkeys.

SEC. 3. No person shall at any time destroy the nests or take the eggs from any wild turkeys' or quail's nests. Destroying nests and taking eggs unlawful.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined, for a violation of section one, twenty-five dollars; for a violation of section two, ten dollars, and for a violation of section three, five dollars, for each offense: *Provided*, this act shall only apply to Bertie County. Misdemeanor. Punishment.

SEC. 5. All laws in conflict with this act be and the same are hereby repealed, so far as they relate to Bertie County.

SEC. 6. This act shall be in force from and after March first, one thousand nine hundred and nine. When act effective.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 718.

AN ACT TO AMEND CHAPTER 543. PUBLIC LAWS 1905.
RELATING TO THE SETTLEMENT OF CERTAIN WESTERN
NORTH CAROLINA RAILROAD CONSTRUCTION BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and forty-three of the Public Laws of one thousand nine hundred and five be amended by adding at the end of section one the following: "And the State Treasurer is further authorized to pay to any other holder and owner of the bonds of the issue upon which the South Dakota judgment was rendered the same price per bond as he is herein authorized to pay to Schaffer Brothers, to-wit, twenty-five per cent of said bonds, with interest on said twenty-five per cent." State treasurer authorized to settle with other holders.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 719.

AN ACT TO PROHIBIT NETTING AND TRAPPING QUAIL IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Netting and trapping unlawful.

Misdemeanor.

Punishment.

SECTION 1. That it shall be unlawful for any person to net or trap quail in Chatham County.

SEC. 2. That any person 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.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 720.

AN ACT TO PROVIDE SEPARATE SCHOOLS FOR THE INDIAN RACE IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Schools exclusively for white children.

Schools exclusively for negroes.

Schools for children of Indian race other than Croatans.

Race discrimination forbidden. Proviso: schools for children of Croatan Indian blood.

Proviso: exclusion of Indian children from white schools.

Schools for children of mixed races.

SECTION 1. That the children of the white race in Scotland County shall be taught in public schools provided for them exclusively; and no child of negro blood, however remote the strain, or of Indian blood to the eighth degree, inclusive, shall attend a public school provided for the white race in said county; and all children of the negro race shall be taught in the public schools of said county provided for the negro race exclusively; and all children of Indian blood, other than Croatan Indians, to the eighth degree, inclusive, shall be taught in the public schools of Scotland County provided for the Indian race, other than Croatan Indians, exclusively; and no child of negro blood, however remote the strain, shall attend the public schools provided for the Indian race in said county; but there shall be no discrimination in favor of or to the prejudice of either race: *Provided*, that the children of the Croatan Indian blood shall attend public schools provided for them exclusively, no discrimination being made either in their favor or to their prejudice: *Provided further*, that the Board of Education of Scotland County shall not exclude children of Indian blood, other than Croatan Indians, from attending any public school provided for the white race, except upon petition of a majority of the patrons of said school.

SEC. 2. That it shall be lawful for and the duty of the Board of Education of Scotland County, when it shall appear to them that there are any children in said county who by reason of

their blood are not entitled by this act to attend either the public schools of said county provided for the white race or the public schools of said county provided for the negro race, to establish and provide a school or schools for the same.

SEC. 3. That the finding of facts by the Board of Education of Scotland County touching the right of any child in said county to attend such school shall be *prima facie* correct. Finding of facts by board of education.

SEC. 4. That the Board of Education of Scotland County be and they are hereby authorized and empowered to borrow such moneys as may be necessary to build and construct such new schoolhouses as they may deem necessary to carry out any and all of the provisions of this act. Power to borrow money.

SEC. 5. That this act shall apply only to Scotland County.

SEC. 6. That this act shall be in force from and after the day of its ratification. Application of act.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 721.

AN ACT TO AMEND SECTION 2. CHAPTER 732 OF THE PUBLIC LAWS OF 1907. RELATIVE TO THE SALARY OF THE ASSISTANT LIBRARIAN OF THE SUPREME COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter seven hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be amended by striking out the words "fifteen dollars per month," in the last line, and inserting in lieu thereof the words "twenty dollars per month," so that the compensation of the acting Assistant Librarian of the Supreme Court shall be thirty dollars per month.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 722.

AN ACT TO PROVIDE FOR THE REGISTRATION OF DEATHS IN MUNICIPALITIES OF ONE THOUSAND POPULATION AND OVER IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all deaths that occur in cities or towns having a population of one thousand or over by the last preceding federal census shall be registered by the clerks or other officials designated Deaths to be registered.

Local registrars.	by the board of aldermen or town commissioners thereof, who are hereby constituted local registrars of deaths, within three days after the occurrence of said deaths and before the bodies are removed, interred or otherwise disposed of: <i>Provided</i> , that in cities or towns now having satisfactory registration of deaths under their ordinances the health officer or other official now acting as local registrar shall continue as such, but shall conform to the provisions of this act and to the regulations of the State Board of Health adopted thereunder.
Proviso: health officer continued as local registrar.	
Certificate of death filed with local registrar.	SEC. 2. That a certificate of death, of standard form, provided by the State Board of Health, shall be filed with the local registrar by the undertaker or other person in charge of the removal, interment or other disposal of the body of the deceased person, and a permit shall be issued by said local registrar for such removal, interment or other disposal of the body only after such certificate of the cause of death, signed by the attending physician, or, in case there shall be no attending physician, by the health officer, or, in case there is no health officer of the city or town, by the local registrar, who shall give the medical cause of death, as nearly as he can determine it, after full inquiry, in regard thereto, of the householder in whose family the death occurred: <i>Provided</i> , that under no circumstances shall the local registrar sign the death certificate when there has been an attending physician or there is a municipal health officer. No sexton or superintendent of a cemetery in cities and towns having a population of one thousand or over shall permit interment, and no railway company or other common carrier shall transport a body of a deceased person whose death occurred in this State unless accompanied by the local registrar's permit.
Permit issued by local registrar.	
Cause of death to be given.	SEC. 3. That the local registrar shall number each certificate as received, record it in a local register of deaths, and promptly by the fifth day of the following calendar month send all of the original certificates to the secretary of the State Board of Health, at Raleigh, who is hereby constituted State Registrar of Vital Statistics. The said registrar, with the approval of the State Board of Health, shall maintain in his office a bureau of vital statistics, preserve, index and compile the original returns, and make copies thereof for legal or other purposes, as may be necessary, which copies, when officially certificated, shall be <i>prima facie</i> evidence of the facts therein set forth, in all the courts of the State, for all purposes of this act. The State registrar shall prepare and distribute all blanks and instructions necessary for the execution of this act, and shall see that the provisions of this act are faithfully enforced; and the solicitors of the several districts and the Attorney-General shall aid him, upon his request, and enforce the penalty of the law, in case of its violation. Each of the said local registrars shall be entitled to a fee of twenty-five cents for his service, under this section, to be paid by the city or town.
Proviso: local registrar to sign certificate only when there is no attending physician or health officer.	
No interment to be allowed without permit.	
Transportation of body without permit forbidden.	
Record of certificate.	
Originals to state registrar.	
Bureau of vital statistics.	
Copies prima facie evidence.	
Duty of state registrar.	
Solicitors and attorney-general to aid in enforcement of act.	
Fees to local registrars.	

SEC. 4. That any undertaker, sexton or superintendent of a cemetery, agent of a transportation company, local registrar or other person who violates the provisions of this act, and any attending physician who fails or neglects to certify to the cause of death when the certificate is presented to him for the purpose, and every local registrar who shall neglect to perform any of the duties required of him by section three of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than five nor more than fifty dollars or imprisonment for not less than ten nor more than thirty days, and shall also be liable to a penalty of twenty-five dollars in favor of any person who shall sue for the same.

Violation of act
and neglect of
duty misde-
meanors.

Punishment.

Penalty.

SEC. 5. The mayor of each city or town of one thousand or more inhabitants shall be responsible for the enforcement of this act in his jurisdiction. Failure on his part to so enforce its provisions shall be a misdemeanor, and he shall be liable to a fine of not less than ten nor more than fifty dollars; and it shall be the duty of the solicitor of the judicial district in which the city or town is situate, upon complaint of the State registrar or of the secretary of the State Board of Health, to institute a criminal action for the enforcement of said fine.

Mayors respon-
sible for enforce-
ment of act.
Failure a misde-
meanor.
Punishment.
Solicitor to
prosecute.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 723.

AN ACT TO PROTECT GAME IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt in Wake County with gun or with dog, or in any other manner, between the first day of March and the first day of November of each and every year; and that any person violating this section of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars and not more than ten dollars or imprisoned not more than thirty days.

Close season.

Misdemeanor.
Punishment.

SEC. 2. That any person found in possession, between the dates mentioned in section one hereof, of any dead game shall be presumed *prima facie* to have killed the same in violation of this act.

Possession of dead
game prima facie
evidence.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 724.

AN ACT TO PROTECT GAME IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Hunting without permission of landowner unlawful. SECTION 1. That it shall be unlawful for any person to hunt any game upon the lands of another without written permission of the landowner or his agent in charge of the land, and if any person shall go upon the lands of another with a gun it shall be *prima facie* evidence that such person is hunting, within the meaning of this section.

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

Punishment. Application of act. SEC. 3. That this act shall apply only to the county of Catawba.

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 725.

AN ACT TO REQUIRE THE COMMISSIONERS OF HARNETT COUNTY TO ELECT A STANDARD KEEPER FOR HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Purchase of standards ordered. SECTION 1. That the commissioners of Harnett County shall purchase standard weights and measures for the county.

Election of standard keeper ordered. SEC. 2. That the commissioners shall elect a standard keeper for the county of Harnett.

Fees of standard keeper. SEC. 3. That the said standard keeper shall be entitled to the lawful fees for adjusting weights and measures.

Failure of commissioners to comply a misdemeanor. SEC. 4. That if the commissioners fail to comply with the preceding section of this act or with section three thousand and seventy-two of the Revisal of one thousand nine hundred and five of North Carolina within ninety days after its ratification they shall be guilty of a misdemeanor, and on conviction be fined or sentenced to the public roads for a term of thirty days, or both, at the discretion of the court.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 726.

AN ACT FOR THE PROTECTION OF QUAIL AND PARTRIDGES IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the close season or time in each year during Close season. which quail and partridges shall not be shot, killed, wounded or in any manner hunted, taken or captured, as to Sampson County, shall be from the first day of March to the first day of December, except to Taylor's Bridge Township, in which the close season Close season in Taylor's Bridge township. shall be from the first day of March to the first day of November.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 727.

AN ACT TO APPOINT A JUSTICE OF THE PEACE IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Newton, of Davidson Township, Iredell Appointment, County, is hereby appointed a justice of the peace for said county Term of office. for a term of six years.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 728.

AN ACT TO AMEND SECTION 1884 OF THE REVISAL OF 1905, SO AS TO MAKE THE CLOSE SEASON IN GRANVILLE COUNTY BEGIN ON THE FIRST DAY OF FEBRUARY INSTEAD OF THE FIRST DAY OF MARCH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and eighty- Law extended. four of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting in line thirty of said section, before the word "Nash," the word "Granville."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 729.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS
FOR GREENE COUNTY.*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section one thousand three hundred and eleven of the Revisal of one thousand nine hundred and five of North Carolina be amended by inserting between the words "Granville" and "Guilford," in lines twelve and thirteen, the word "Greene."

New commis-
sioners appointed.
Term of office.

SEC. 2. That C. C. Sugg and C. L. Hardy be and they are hereby appointed commissioners for said county of Greene until the next general election and until their successors are elected and qualified.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 730.

AN ACT TO AMEND CHAPTER 21 OF THE REVISAL OF
1905, RELATING TO THE DISSOLUTION OF CORPORATIONS.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-one of the Revisal of one thousand nine hundred and five be amended by adding after section one thousand one hundred and ninety-five the following:

Stockholders personally liable for cost of dissolution.

"1195a. The stockholders of any corporation chartered under the laws of this State, whether created by special act or under the provisions of the general law, shall be personally and individually liable and responsible for all taxes, costs and fees for the dissolution of such corporation, and the Attorney-General shall be authorized to enforce the provisions of this section by suit before a justice of the peace or in the Superior Court in the county where such corporation had its principal place of business, whenever it shall appear upon report from the Secretary of State that such corporation has ceased to transact business and fails or refuses to pay the taxes due the State or to file annual statements or to dissolve itself as is provided by law. If any nonresident stockholder of such corporation shall refuse to sign such certificate of dissolution the resident stockholders shall make affidavit to that effect, and the written assent of such resident stockholders, accompanied by such affidavit, shall be sufficient to dissolve the cor-

Attorney-general to enforce section.

Procedure if non-resident stockholder refuse to sign certificate of dissolution.

poration: *Provided*, that if no stockholder of such corporation be found within the State the Secretary of State shall have authority to declare the charter of such corporation forfeited, and shall publish annually in his corporation report a list of the corporations whose charters have been so forfeited." Proviso: charter may be declared forfeited.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 731.

AN ACT TO APPOINT P. H. WALKER A JUSTICE OF THE PEACE IN HENDERSONVILLE TOWNSHIP AND J. O. BELL AND M. L. OWENS JUSTICES OF THE PEACE IN AND FOR GREEN RIVER TOWNSHIP, HENDERSON COUNTY, AND TO AUTHORIZE THEM TO APPOINT SPECIAL CONSTABLES, WITH POLICE POWERS.

The General Assembly of North Carolina do enact:

SECTION 1. That P. H. Walker is hereby appointed a justice of the peace for Hendersonville Township, in Henderson County, for a term of six years. P. H. Walker, appointed. Term.

SEC. 2. That said P. H. Walker is hereby authorized and empowered to appoint for a term of two years a constable, who shall have, when so appointed, all the power and authority in said township and county given by law to other constables in their several townships, and he shall make a like bond for the faithful performance of his duty. Appointment of constable authorized. Power and authority. Bond.

SEC. 3. That said constable, when so appointed, shall have within the limits of one-half mile in all directions from the Southern Railway depot, in the village of East Flat Rock, the powers and authority given under the law, as published in the Revisal of one thousand nine hundred and five, to marshals and policemen of cities and towns in the State. Police powers.

SEC. 4. That said P. H. Walker shall qualify within thirty days after the ratification of this act, and he shall immediately after his qualification appoint said constable and make report to the clerk of the Superior Court of said appointment. Walker to qualify and appoint constable. Report of appointment.

SEC. 5. That J. O. Bell and M. L. Owens are hereby appointed justices of the peace in and for Green River Township, Henderson County, for a term of six years. J. A. Bell and M. L. Owens appointed justices. Terms.

SEC. 6. That said J. O. Bell and M. L. Owens are hereby authorized and empowered to appoint for a term of two years a constable, who shall have, when so appointed, all the power and author- Appointment of constable authorized.

Power and
authority.
Bond.

ity in said township and county given by law to other constables in their several townships in said county, and he shall give a like bond for the faithful performance of his duty.

Police powers.

SEC. 7. That said constable, when so appointed, shall have within the limits of one-half mile in all directions from the cotton mill in the village of Lakewood, in said township and county, the powers and authority given under the law, as published in the Revisal of one thousand nine hundred and five, to marshals and policemen of cities and towns in the State.

Justices
appointed to
qualify and
appoint constable.
Report of
appointment.

SEC. 8. That said J. O. Bell and M. L. Owens shall qualify within thirty days after the ratification of this act, and they shall immediately after their qualification appoint said constable and make report of said appointment to the Clerk of the Superior Court of Henderson County.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 732.

AN ACT TO VALIDATE CERTAIN PROBATES OF CERTAIN ACTING JUSTICES OF THE PEACE IN NORTHAMPTON COUNTY:

Preamble.

Whereas certain acting justices of the peace in Northampton County who had been duly elected or appointed as justices of the peace in and for said county, while acting as such justices of the peace after their terms of office had expired, or where they had failed to qualify as such justices of the peace within the time prescribed by law, did take the acknowledgment and probate of certain deeds, deeds of trust, mortgages and other instruments executed by various persons during the years one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight: therefore,

The General Assembly of North Carolina do enact:

Examinations,
acknowledgments
and probates
validated.

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 733.

AN ACT TO PROVIDE FOR A PROPER EXAMINATION AND CHECKING-UP OF STATE DEPARTMENTS AND INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section four thousand eight hundred and forty-four (4844) of the Revisal of one thousand nine hundred and five of North Carolina by adding at the end thereof: "The Governor, whenever he deems necessary, shall employ one or more competent men or expert accountants, who shall examine and check up the books and accounts of all State departments and institutions who handle money for or receive money from the State for their support or otherwise. It shall be the duty of said person or persons so employed not only to thoroughly examine and check up said books and accounts, but to make such examinations as may be proper in regard to the books and accounts to be kept and the manner of keeping them, and to make and report to the Governor the result of their work. This report the Governor shall examine and take such action thereon as he shall deem best for the good of the State, the departments or institutions. The report shall be furnished in duplicate, and the Governor shall furnish a copy to the auditing committee appointed by each General Assembly. The Governor may require of each State institution a monthly or quarterly report of their work and transactions, on a form or blank approved by him."

Governor to employ accountants.

Examination and checking of accounts.

Examination as to manner of keeping books and accounts.

Report to governor.

Governor to examine report and take action.

Report in duplicate.

Copy to auditing committee.

Governor may require monthly or quarterly reports of institutions.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 734.

AN ACT TO IMPROVE THE HIGHWAYS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of chapter five hundred and ninety-six, Public Laws of one thousand nine hundred and one, shall apply to Rowan County, the word "Rowan" being substituted where the word "Guilford" appears, and the word "Salisbury" where the word "Greensboro" occurs: *Provided*, that for the word "two," in lines seventeen and nineteen, the word "one" shall be substituted.

Law extended to Rowan county.

Proviso.

Width of highways.

SEC. 2. That section eleven of said chapter five hundred and ninety-six be amended so as to read, "but the width of said highways may be determined by the board of county commissioners and highway commission."

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 735.

AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN OF BELHAVEN AND PANTEGO TOWNSHIP AND DEFINE THE JURISDICTION AND TERRITORY THEREOF.

The General Assembly of North Carolina do enact:

Court established.
Official designation.
Territory.

SECTION 1. That a recorder's court is hereby established and created, to be known as the "Recorder's Court for the District of Belhaven," which shall comprise all of Pantego Township, in Beaufort County.

Court of record.

SEC. 2. That the said court shall be a court of record and shall be presided over by an elector of Beaufort County residing in Pantego Township, who shall be a man of good moral character and who shall be known as the Recorder of the Belhaven District.

Recorder.

Term of office.
Election of successor.

SEC. 3. That the recorder hereinafter provided for in this act shall hold office until the next general election, when his successor shall be elected by the qualified voters of Pantego Township in the same manner and at the same time county and township officers are elected.

Election of first recorder.

SEC. 4. That at the first meeting of the Board of County Commissioners of Beaufort County following the ratification of this act it shall be the duty of said board to elect a recorder, who shall possess the qualifications required by section two of this act, and the said recorder shall at once take and subscribe before the clerk of the Superior Court of said county the same oath as is required of the judges of the Superior Court, and shall forthwith be inducted into office, and shall thereafter perform the duties herein prescribed.

Recorder to qualify.

Compensation of recorder.

SEC. 5. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for trial and judgment the fee shall be two dollars for each trial and judgment, and where there is more than one defendant one dollar for each additional defendant.

SEC. 6. The said recorder shall hold daily sessions, legal holidays Sessions of court. and Sundays excepted, in the town of Belhaven, in some building to be provided by the Board of Town Commissioners of Belhaven.

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

(a) Said court to have concurrent jurisdiction with the courts Concurrent with justices of the peace in all original offenses committed within Pantego Township. Justices of the peace.

(b) The said court shall have exclusive original jurisdiction to Exclusive original jurisdiction. hear and determine all other criminal offenses committed within said township below the grade of felony, as is now defined by law, and all such offenses committed within said township are hereby declared to be petty misdemeanors: *Provided*, that in all criminal offenses where said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the Superior Court of Beaufort County may proceed to try the same, as though this court did not exist. Petty misdemeanors. Proviso: jurisdiction of superior court when prosecution not had.

(c) The said court shall have all the jurisdiction, power and authority as is conferred on justices of the peace by the Constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in the said court, for which the punishment is imprisonment, to be confined in the common jail of Beaufort County, to be worked on the public roads of said county; and any person convicted and punished by a fine may be required to work on said road for the nonpayment of same, at fair and reasonable wages, to be fixed by the board of county commissioners, until the same is paid in full, together with the costs, and then to be discharged: *Provided further*, that in all cases where an appeal is taken to the Superior Court it shall be the duty of the said recorder to require a reasonable bond, and send the same, together with all the papers, to the next term of the Superior Court to be held for the trial of criminal cases in said county, where the trial in all such cases shall be *de novo*, said appeal to be perfected as from a court of a justice of the peace. Jurisdiction, power and authority of justices of the peace. Power to sentence to road work. Proviso: bond on appeal. Trial on appeal.

SEC. 8. The said court shall have a seal, with the impression Seal of court. "The Recorder's Court for the District of Belhaven," which seal shall be used in the attestation of all writs, warrants, summons or other proceedings, acts, processes, judgments or decrees of said court, in the same manner and to the same effect as the seals of the other courts of North Carolina.

SEC. 9. That the said recorder shall provide and keep a permanent docket and record of all papers, proceedings and processes, which is to be open to public inspection at all times. Docket and records.

SEC. 10. The said recorder shall at least one time in each month Monthly reports. prepare and transmit a true record of all his official acts to the

Payment of fines. Clerk of the Superior Court of Beaufort County, and all fines imposed and collected shall be paid in to the treasury of said county on or before the second Tuesday in each month.

Jury trials. SEC. 11. That in all trials for criminal offenses, upon a demand for a jury by the defendant, the said recorder shall draw the same, as is now provided in actions before a justice of the peace, and with the same rights and challenges as now exist.

Vacancy. SEC. 12. That in case of a vacancy in the said recorder's office, for any cause, it shall be the duty of the Board of County Commissioners of Beaufort County to appoint a recorder for the balance of the unexpired term.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratification of act to be voted on. SEC. 14. That this act shall be in full force and effect from and after its ratification by a majority of the qualified votes cast at

Date of election. an election to be held in said Pantego Township on the eleventh day of May, one thousand nine hundred and nine; and it shall be the duty of the Board of County Commissioners of Beaufort County, at their regular meeting in April, one thousand nine hundred and nine, to call an election for said purpose, and if a majority of the votes cast shall read "For Recorder's Court," then it shall be the duty of said board, at their regular meeting in June, one thousand nine hundred and nine, to elect a recorder as above set out in this act; but if a majority of votes cast shall read "Against Recorder's Court," then the court shall not be established, as is provided for in this act; said election to be conducted and held under same rules governing elections for members of the General Assembly.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 736.

AN ACT FOR THE PROTECTION OF DOGS IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Killing or stealing certain dogs a misdemeanor. SECTION 1. That if any person shall unlawfully and willfully kill, take, carry away or conceal from the owner any dog which has been duly listed for taxation at a valuation not less than twenty-five dollars (\$25), he shall be guilty of a misdemeanor.

Unlawful detention of dog a misdemeanor. SEC. 2. If any person shall unlawfully detain, conceal or hide away from the owner any dog, he shall be guilty of a misdemeanor.

Stray dogs to be advertised. SEC. 3. That it shall be unlawful for any person to keep upon his premises any stray dog belonging to any person without first posting a notice at the courthouse door and four (4) other public

places in the county, said notice to give a full description of said dog; and if the owner of said dog shall identify same, then said owner shall, upon payment of five (5) cents per day for the feed for the number of days kept after publishing notice, and fifty (50) cents for publishing said notice, be entitled to the possession of said dog.

Owner entitled to possession on payment for keep and publication of notice.

SEC. 4. Any person convicted under this chapter shall be fined not more than fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Punishment.

SEC. 5. That this act shall apply only to Catawba County. Application of act.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 737.

AN ACT TO AMEND SECTION 1 OF CHAPTER 829 OF THE PUBLIC LAWS OF NORTH CAROLINA, 1905, REGULATING CERTAIN OFFICIAL FEES AND SALARIES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eight hundred and twenty-nine of the Public Laws of North Carolina of one thousand nine hundred and five be amended by striking out the word "nine," in line four of said section, and inserting in lieu thereof the word "twelve."

Salary of chairman of commissioners.

SEC. 2. That section one of said chapter be further amended by adding at the end of said section the following: "The county commissioners of Mecklenburg County, other than the chairman, shall receive for their 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 meeting, not to exceed five cents per mile."

Commissioners other than chairman.

SEC. 3. That the provisions of this act shall not be in force and effect until the first Monday in December, one thousand nine hundred and ten, and shall be in force and effect after said date.

When act effective.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 738.

AN ACT TO AMEND SECTION 2802 OF THE REVISAL OF 1905, RELATING TO PAY OF SURVEYORS OF NASH AND EDGEcombe COUNTIES.

The General Assembly of North Carolina do enact:

Pay of surveyors fixed by court.

SECTION 1. That section two thousand eight hundred and two of the Revisal of one thousand nine hundred and five be amended by inserting between the words "day" and "for," in line fifteen of said section, the words "or such greater sum as the court may allow."

Application of act.

SEC. 2. That this act shall apply only to the counties of Nash and Edgecombe.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 739.

AN ACT TO GIVE TO THE COURTS THAT ARE NOW USED IN NEW HANOVER COUNTY EXCLUSIVELY FOR CRIMINAL CASES CIVIL JURISDICTION.

The General Assembly of North Carolina do enact:

Trial of civil cases at criminal terms.

SECTION 1. That all of the terms of Superior Court of New Hanover County which are now used for the trial of criminal cases exclusively shall be, from the ratification of this act, used for the trial of both criminal and civil causes.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 740.

AN ACT TO SECURE THE BETTER DRAINAGE OF HOYLE'S CREEK, IN LINCOLN AND GASTON COUNTIES.

The General Assembly of North Carolina do enact:

Drainage commissioners.

SECTION 1. That Luther A. Dellinger, of Lincoln County; O. D. Carpenter, H. G. Rhyne, John Stroup and Sam Lutz, of Gaston County, be appointed to supervise and enforce the better drainage of Hoyle's Creek, in Lincoln and Gaston counties, from Lawson A. Dellinger's, in Lincoln County, to the mouth of said creek, at the south fork of the Catawba River, in Gaston County.

Territory.

SEC. 2. That in case of a vacancy occurring, by death or otherwise, of either or all of said commissioners, it shall be the duty of the county commissioners of Lincoln or Gaston county, as the case may be, upon application of any interested landowner on said creek, to appoint some suitable person owning land on said creek to fill such vacancy. Vacancies to be filled.

SEC. 3. That said commissioners shall appoint an overseer, who shall serve for a term of two years from his appointment and until his successor be qualified. Overseer.
Term of office.

SEC. 4. It shall be the duty of said commissioners, at least twice a year, to examine said stream and notify the said overseer of any and all work necessary and proper to be done in order to keep said stream free from obstructions and the banks thereof clean; and also to notify the said overseer of any alterations or changes that should be made in the channel of said stream. It shall be the duty of said overseer, upon such information received from said commissioners, within five days thereafter, to notify the respective landowners of what work is needed along said stream. Duty of commissioners.

Overseer to notify landowners.

SEC. 5. That each landowner along said stream shall keep the bed of the stream adjoining his land clean from logs, brush and other obstructions, and to keep the banks of said stream clean for a distance of four feet from said bank, and to widen and straighten and change the channel of said stream when deemed necessary by the commissioners. Duties of landowners.

SEC. 6. That each landowner shall, within fifteen days after notification by said overseer, begin and continue until he has completed any work required of him in accordance with the directions of the overseer. Landowner to begin and continue work.

SEC. 7. That each landowner shall be required to furnish such implements and means for working, clearing and removing obstructions and straightening and changing the channel of said stream as are necessary and proper for such work, and shall be required to work such time as the said overseer may deem necessary and proper, not exceeding twenty days in a year. Landowner to furnish implements.

Limit of work.

SEC. 8. That any person who shall willfully refuse to perform the work required of him for the space of fifteen days after such notification shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed, before a presentment is made of the same, he or they shall not be liable to indictment for said offense. Refusal to perform work a misdemeanor.
Punishment.

Proviso: payment of penalty before presentment.

SEC. 9. That all moneys arising from failure to work on said creek and all fines and penalties collected under the provisions of this act shall be paid to the said overseer and by him expended Fines and penalties used in work.

under the direction of the said commissioners in improving the channel of said stream and in performing the work which was neglected by such landowner or landowners.

Neglect of duty
by overseer a
misdemeanor.

SEC. 10. That any overseer who shall fail or neglect to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty dollars: *Provided*, no person shall be required to serve as such overseer without his consent for more than one term of two years at any one time.

Proviso: service
required.

Bridges, roads
and water gates.

SEC. 11. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream or private bridges or water gates by the landowners for their own convenience.

Road duty not
discharged.

SEC. 12. That nothing herein contained shall be construed as to prevent persons herein mentioned from working on public roads.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 741.

AN ACT TO AMEND CHAPTER 938, PUBLIC LAWS 1907, RELATING TO SPECIAL TAX FOR PUBLIC SCHOOLS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Board of educa-
tion to call
election.

SECTION 1. Amend chapter nine hundred and thirty-eight, Public Laws one thousand nine hundred and seven, by changing the word "commissioners," in line one of section one, to "board of education"; "fourteenth," in line three of said section one, to "tenth"; "seven," in line four of section one, to "nine."

Date of election.

Date of election.

Election by town-
ship or district.

SEC. 2. Change the words "fourteenth," in line two, section five, to "tenth"; "seven," in line three of section five, to "nine." In line six of section five, between the words "township" and "annually," insert the words "or district." Between the words "township," and "shall," in line eight of section five, insert the words "or district." At the end of line nine, section five, add the words "or district."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 742.

AN ACT TO PROTECT BIRDS DURING BREEDING SEASON
IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons owning or having in their possession any bird dog or hounds to permit the same to run at large between June the first and September the fifteenth of each year. Bird dogs and hounds to be kept up.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined five dollars for each offense. Misdemeanor. Punishment.

SEC. 3. That this act shall apply to the territory bounded by Dan and Smith rivers and State line, in Leaksville Township, Rockingham County, only. Territory.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 743.

AN ACT TO COMPROMISE, ADJUST AND SETTLE THE INDEBTEDNESS OF THE UNIVERSITY TO THE ESTATE OF THE LATE GOVERNOR DAVID L. SWAIN.

Whereas the University of North Carolina is justly indebted to the estate of the late Governor David L. Swain for service rendered by said David L. Swain and for money advanced by him to support the University, in a sum of money, including interest, amounting to about twenty-four thousand dollars (\$24,000), evidenced by bonds issued as follows, to-wit: one for three thousand dollars, dated September twentieth, one thousand eight hundred and sixty, signed by John W. Ellis, Governor of the State and *ex officio* president of the Board of Trustees of the University; another for the sum of one hundred dollars, dated January first, one thousand eight hundred and sixty-five, and signed by Zebulon B. Vance, Governor of the State and *ex officio* president of the board of trustees; and twenty-six bonds, of one hundred dollars each, dated January first, one thousand eight hundred and sixty-seven, and signed by Jonathan Worth, Governor of the State and *ex officio* president of the Board of Trustees of the University; and whereas no part of said bonds have been paid except the following sums, to-wit: eighty-nine dollars and sixty cents, twenty-four

dollars and seventy-four cents, one hundred and seventy-one dollars and ninety-six cents, five hundred and three dollars and two cents and five hundred and thirty-four dollars and fifty-one cents, making an aggregate sum paid on the said indebtedness of one thousand five hundred and forty-six dollars and eighty-three cents (\$1,546.83), leaving the amount due on January first, one thousand nine hundred and nine, approximately twenty-four thousand dollars (\$24,000); and whereas the University of North Carolina has no income or property not necessary to its use which can be applied to the settlement of said debt; and whereas the beneficial title to said indebtedness is now in the two surviving granddaughters of the late Governor David L. Swain, and the legal title in Judge Walter Clark and Hon. R. H. Battle, executors of the will of Mrs. Eleanor H. Swain, widow of the said Governor David L. Swain; and whereas the said beneficiaries are anxious to secure a settlement of their said indebtedness on some just and equitable basis: now, therefore,

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Delivery of bonds directed.

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to deliver to the said Walter Clark and Richard H. Battle, executors of Eleanor H. Swain, deceased, thirty-five hundred dollars (\$3,500), par value, of the four per cent bonds of this State, of the series issued under the act of March fourth, one thousand eight hundred and seventy-nine, with interest coupons attached, only from the ratification of this act.

Payment in full.

This payment is to be in full satisfaction and discharge of said indebtedness.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 744.

AN ACT TO VALIDATE CERTAIN PROBATES OF WILLIAM L. KNIGHT, A NOTARY PUBLIC IN AND FOR NORTHAMPTON COUNTY.

Preamble.

Whereas William L. Knight, a notary public in and for Northampton County, while a stockholder of the Bank of Rich Square, Rich Square, Northampton County, did take the acknowledgment and probate of certain mortgages and other instruments executed to said bank during the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all such acknowledgments, examinations and Acknowledgments, examinations and probates be and the same are hereby validated, confirmed and made legal, binding and regular. probates validated.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 745.

AN ACT TO AMEND CHAPTER 316, PUBLIC LAWS 1907, RELATING TO THE MILITIA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixteen, Public Laws one thousand nine hundred and seven, be amended as follows: In Service, section four thousand eight hundred and fifty-seven, in line two, strike out the word "actual" and insert the word "active" in lieu thereof. Add to section four thousand eight hundred and fifty-nine the following: "The Governor may confer brevet commissions of a grade next higher than the ordinary commissions ever held by them upon officers of the National Guard in active service for gallant conduct or meritorious service of not less than twenty-five years. He may also confer upon officers in active service in the active militia who have previously served therein in a higher grade, or who have previously served in the forces of the United States in time of war, brevet commissions of a grade equal to the highest grade in which they have previously served. Such commissions shall carry with them only such privileges or rights as are allowed in like cases in the military and naval service of the United States. Officers placed on duty under their brevet rank may wear the uniform and insignia of such brevet rank." In section four thousand eight hundred and sixty-five strike out, in line three, after the word "general," the words "and chief of ordnance," and add after the words "brigadier general," in line four, the words "one chief of ordnance"; after the words "chief of engineers" strike out the words "one inspector of small-arms practice"; also strike out all of said section after the word "colonel," in line seven, and substitute in lieu thereof: "The commander in chief may appoint such assistants to each of said officers of the general staff as he may deem proper for the best interests of the service, and give them rank in accordance with army regulations or as prescribed by the regulations of the War Department governing the organized militia." In section four thousand eight hundred and sixty-six add after the word "adjutant," in line one, the word "general."

Brevet commissions for gallant and meritorious service.

Brevet commissions for previous service.

Uniform and insignia. General staff.

Assistants to officers on general staff.

In Adjutant general.

- thousand eight hundred and sixty-seven, after the word "assistants," in line one, add the words "and ordnance officer." Strike out all after the word "general," in line two, down to the word "these," in line five, and substitute in lieu thereof "shall have such assistants as may be prescribed by the commander in chief." Add to said section the following: "The duties of the Quartermaster General herein specified shall apply to quartermaster stores only, and like restrictions shall apply to all ordnance stores in charge of ordnance officers." Strike out the word "disabled," in line two of section four thousand eight hundred and sixty-nine, and insert in lieu thereof the word "debarred." In section four thousand eight hundred and seventy-seven strike out all of said section after the word "conviction," in line twenty-four, and substitute in lieu thereof the words "when not in active service may dishonorably discharge the person so convicted from the service, or may impose a fine not exceeding fifty dollars, or may imprison for a period of thirty days the person so convicted, or both; and the commitment of the president of such courts in such cases shall be duly recognized by the sheriff of such county in which the organization is located, of which the party so convicted is a member: *Provided*, that this section shall not be construed to be a limitation upon the rights of courts-martial, when on active service, as to the punishment inflicted."
- Ordnance officer.
- Assistants to quartermaster general and ordnance officer. Duties of quartermaster general and ordnance officers. Dismissed officers debarred.
- Power of courts-martial in enforcement of punishments.
- Provviso: courts-martial on active service.
- Additional companies.
- General orders.
- Right to revoke any section of militia law.
- Allowances to officers.
- Allowances to companies.
- Add as section four thousand eight hundred and eighty-two the following: "The Governor is hereby empowered to organize any additional military companies conforming to the regulations of the War Department or laws of the State as he may deem necessary for the efficiency of the active militia." Add as section four thousand eight hundred and eighty-three the following: "The commander in chief shall have the right and power and it shall be his duty from time to time to make such general orders with regard to the organization, armament, equipment and discipline of the organized militia as shall at all times cause it to comply with the requirements of law of the United States governing the organized militia of the several States, and in so far as it may be necessary for this purpose he shall have the right to revoke any section in this chapter contained." Strike out all of section four thousand eight hundred and ninety-nine in said act and substitute the following in lieu thereof:
- "Sec. 4899. There shall be allowed annually to the commander of the brigade of infantry, to each colonel of infantry regiment and to the captain of the naval brigade the sum of one hundred and fifty dollars, and to the commander of the coast artillery corps the sum of seventy-five dollars with which to defray the necessary expenses of their respective offices. There shall be allowed likewise annually to each company of infantry, each company of coast artillery, each battery of field artillery, each division of naval militia and each band of an infantry regiment which complies with the law and regulations, not exceeding thirty-six companies of infantry, four

companies of coast artillery, one battery of field artillery and eight divisions of naval militia, the sum of two hundred and fifty dollars, to be applied to the payment of necessary current expenses, respectively. Each hospital corps detachment, not exceeding three, shall receive seventy-five dollars per annum for like purposes. Every enlisted man shall receive twenty-five cents for each drill participated in by him at the home station of his company, not exceeding two drills per month, payments to be made semiannually upon pay rolls approved by the Adjutant General. Company, battery and division commanders shall file with the Paymaster General on the first of December of each year an itemized statement of all receipts and disbursements of State funds. All allowances herein authorized shall be paid in semiannual installments, but no payments shall be made unless all drills and parades required by law are duly performed by the several organizations indicated. All organizations of the land and naval forces shall be located on lines of railroad, steamboat or telegraphic communication. No larger amount shall be paid out annually for the support and maintenance of the guard, including salaries and office expenses, than the sum of twenty-seven thousand dollars."

Hospital corps.
Allowance to enlisted men for drills.
Itemized statements to be filed.
Payment of allowances.
Location of organization.
Limit of expense.

In section four thousand nine hundred and four, after the word "regiment," in the second line, insert the words "separate corps," and after the word "regiment," in the third line, insert the words "separate corps."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 746.

AN ACT TO MAKE THE PROVISIONS OF CHAPTER 699 OF THE PUBLIC LAWS 1907 APPLY TO HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of chapter six hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven shall apply to Harnett County.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 747.

AN ACT TO PROVIDE FOR THE ERECTION OF A DORMITORY AT THE COLORED ORPHAN ASYLUM AT OXFORD, NORTH CAROLINA.

Preamble.

Whereas the Colored Orphan Asylum at Oxford is overcrowded and the buildings are in very bad condition, and it is necessary to have more room to accommodate the orphans, who should be properly taken care of: now, therefore,

The General Assembly of North Carolina do enact:

Superintendent and trustees to raise \$5,000.
Appropriation from state of \$5,000.

SECTION 1. That whenever the superintendent and board of trustees of the said Colored Orphan Asylum shall raise the sum of five thousand dollars in cash, the Treasurer of the State is hereby authorized and directed to pay out of any money in the treasury not otherwise appropriated a sum of five thousand dollars, which, together with the sum raised by said superintendent and board of trustees, shall be used for the erection and equipment of a brick building to be used as a dormitory for said orphan children.

Governor to appoint building committee.

Approval of vouchers.

SEC. 2. That the Governor is hereby authorized and empowered to appoint a building committee, who shall have control of the erection of said building and the disbursement of the money, and all vouchers for any money expended in the erection of said building shall be first approved by said building committee, together with the superintendent of said Colored Orphan Asylum.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 748.

AN ACT TO AMEND CHAPTER 508, PUBLIC LAWS OF 1907, BY ADDING THE WORD "VANCE."

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That chapter five hundred and eight, Public Laws of one thousand nine hundred and seven, be and is hereby amended by adding the word "Vance" between the words "Buncombe" and "Duplin," in line two, section one of said act.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 749.

AN ACT TO PROVIDE FOR AND REGULATE HOLDING OF
PRIMARY ELECTIONS IN THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of choosing candidates for Congress and all State and county offices, for the selection of delegates to the county conventions and precinct committeemen, every political party in the said county of Warren shall hold at the several voting places in said county, on the second Tuesday in August, A. D. one thousand nine hundred and ten, and biennially thereafter, a primary election. Persons to be chosen.

SEC. 2. The hours for holding said election shall be between the hour of eight o'clock in the morning and five o'clock in the afternoon. Hours of election.

SEC. 3. The board of election of said Warren County shall appoint two managers and one challenger from each political party to hold said primary election, and the said managers and challenger shall pass upon the competency of each elector to participate and vote in said primary election; and in all other respects, except as herein modified, the said primary election shall be held and conducted under the same rules and regulations prescribed in the general election law for the State of North Carolina. County election board to appoint managers and challengers. Powers of managers and challengers. Primary conducted under general election law.

SEC. 4. Every *bona fide* member of a political party who is a qualified elector shall be permitted to participate in the primary election of that political party to which he belongs, upon taking an oath that he is a resident of the precinct at which he proposes to vote and a duly qualified elector and has not voted before in said primary election. The name of said elector shall be recorded upon a poll book kept by said party managers and shall be returned immediately after said election into the office of the clerk of the Superior Court of said Warren County. Oath of voter. Poll books.

SEC. 5. The managers of election in the several election precincts in said county shall count the ballots cast at said election and shall publicly declare the result and certify the same to the executive committee of their respective political parties on or before eleven o'clock on the second day after said election; and the said executive committee of each political party participating and holding said primary election shall meet at eleven o'clock on the second day after said election at the courthouse in Warrenton, North Carolina, and canvass the vote and declare the result. The person receiving a majority of the votes cast for the office for which he is a candidate shall be declared by said committee the nominee of his party. Count of ballots. Declaration and certificate of result. Canvass of returns. Persons declared nominees.

SEC. 6. Where no candidate receives a majority of the votes cast for any office, those two candidates which receive the highest Second election when no majority.

number of votes cast for said office shall be voted for again on the Tuesday following said election, and the one receiving a majority of the votes then cast shall be the nominee of his party. This election shall be conducted by the said officers and in like manner as the first election.

Executive committee to be elected.

SEC. 7. At said primary election an executive committee of five shall be elected for each political party participating in said primary, which said committee shall be known as the precinct executive committee. There shall also be elected at said primary election as many delegates as the precinct is entitled to votes in the county convention, which said delegates shall cast the vote as instructed in the county convention of their political party. The executive committees of the several political parties shall make such rules and regulations as they may deem necessary to govern the selection and balloting for said precinct committeemen and delegates.

Delegates elected.

Delegates to cast vote as instructed. Rules and regulations.

Candidates to file announcement.

SEC. 8. Every person who wishes to become a candidate before said primary shall, at or before ten o'clock A. M. on the tenth day preceding the same, file with the chairman of the executive committee of the political party to which he belongs a written announcement, naming the office for which he is a candidate, and shall pay to the said chairman of the executive committee the sum of ten dollars, which said money shall be immediately paid by said chairman to the Treasurer of Warren County, to be credited by said treasurer to the general fund of said county: *Provided, however,* that candidates for county commissioners, township offices and precinct committeemen and delegates to the county conventions shall not be required to pay the said sum of ten dollars.

Entrance fees to use of county.

Proviso: candidates not required to pay.

Publication of list of candidates.

SEC. 9. The chairman of the executive committee of each political party shall publish a list of all candidates announced in some newspaper published in Warren County, which shall appear in each issue of said paper until after said election.

Ballots.

SEC. 10. The executive committees of the political parties which shall participate in said primary election shall meet in the town of Warrenton, North Carolina, not later than six days before said primary election, and shall designate and prescribe a ballot or ballots to be used in said primary election, and shall further direct how the same shall be cast.

Separation of elections.

SEC. 11. No political party shall hold its primary election within three hundred yards of another.

Acts declared misdemeanor.

SEC. 12. Any person who shall unlawfully vote at any primary election or who shall vote at any primary except that of the party to which he belongs, or any person or candidate who shall give or offer any bribe to any voter in order to secure his vote, either by money or the use of intoxicating liquor, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Punishment.

SEC. 13. Each candidate who shall be voted for at said primary election shall file with the clerk of the Superior Court on the day after said election an itemized, verified account of all the money or other things of value spent or used by him in said primary election, and if he fail to do so he shall be disqualified for the nomination to which he aspires. Candidates to file itemized accounts.

SEC. 14. The executive committee of each political party participating in the primary election herein provided for shall make and prescribe all such rules and regulations, not inconsistent with this act and the general election law of the State of North Carolina, which it may deem advisable for the better carrying into effect the object and terms of this act. Executive committee to prescribe rules and regulations.

SEC. 15. The managers and challenger herein provided for shall receive the sum of two dollars per day for services while holding said primary election, which, together with all other expenses incurred in holding said primary election, shall be paid from the general fund of the said county of Warren in like manner as all other election expenses provided for in the general election law of the State of North Carolina. Pay of managers and challengers. Expenses paid by county.

SEC. 16. This act shall apply only to the county of Warren. Application of act.

SEC. 17. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 750.

AN ACT FOR THE RELIEF OF H. C. KEARNEY, SHERIFF OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That H. C. Kearney, Sheriff of Franklin County, be and he is hereby authorized to collect for the benefit of himself the arrears of taxes due him in the said county for the years one thousand nine hundred and two and one thousand nine hundred and eight, inclusive. Collection of arrears authorized. Years.

SEC. 2. The authority hereby given to collect the arrears of taxes shall cease and determine on the first day of January, one thousand nine hundred and eleven. That no person shall be required to pay any of said taxes if he will make an affidavit that said taxes have been paid; nor shall any land be sold for such back taxes which is now owned by an innocent purchaser, nor shall the rights of any mortgagee or *cestui que trust* be affected by any such sale of land for taxes. Termination of authority. Persons not required to pay. Sales of land.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 751.

AN ACT FOR THE RELIEF OF PRISONERS IN JAIL IN RICHMOND COUNTY WAITING TRIAL, ALLOWING THEM TO WORK THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section one, chapter two hundred and twenty-four of the Public Laws of North Carolina, session one thousand nine hundred and seven, shall apply also to the county of Richmond and the county of Anson.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 752.

AN ACT TO EXTEND STATE AID TO THE MOVEMENT FOR THE ERECTION OF A MONUMENT TO HENRY L. WYATT.

Preamble.

Whereas the Henry L. Wyatt Chapter of the United Daughters of the Confederacy of North Carolina, in conjunction with the several other camps of said organization throughout the State, has undertaken the erection of a monument to Henry L. Wyatt, a member of Company A (Edgecombe Guards), First Regiment of North Carolina State Volunteers, and the first to yield up his life upon the field of battle in defense of the Southern Confederacy:

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That the sum of two thousand five hundred dollars be and the same is hereby appropriated to aid in the erection of a monument to Henry L. Wyatt on the Capitol Square, Raleigh, North Carolina, to be available when a like amount shall have been raised for such purpose, by private subscription or otherwise: *Provided*, that the amount of such appropriation shall not be paid out of the State treasury earlier than January first, one thousand nine hundred and eleven.

When available.

Proviso: time of payment.

Committee to supervise erection of monument.

SEC. 2. That such appropriation shall be expended by and the monument herein provided for erected under the supervision and control of a joint committee, consisting of two members of the Senate and three members of the House of Representatives, to be named by the President of the Senate and the Speaker of the House of Representatives, respectively, acting in concert with R. H. Ricks, of the county of Nash; R. H. Bradley, of the county

of Wake; J. H. Thorpe, of the county of Edgecombe, and the proper committee representing said United Daughters of the Confederacy of North Carolina.

SEC. 3. That such appropriation shall be disbursed by the State Treasurer upon the order of the chairman of the said joint committee, acting in pursuance of a resolution of the same. Disbursement of appropriation.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 753.

AN ACT RELATING TO THE CONTROL AND MANAGEMENT OF AUTOMOBILES AND OTHER VEHICLES UPON THE PUBLIC ROADS AND HIGHWAYS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons riding on bicycles, tricycles, tandem bicycles, locomobiles, automobiles or other motor vehicles shall, on meeting carriages or other vehicles, keep to the right, so as to leave two-thirds of the road free; and all persons riding on bicycles, tricycles, tandem bicycles, locomobiles, automobiles or other motor vehicles shall, on approaching carriages or other vehicles from the rear, give warning of their approach by a signal of horn or bell, and in passing said vehicle shall go to the left of said carriage or vehicle: *Provided, however,* that any person operating a locomobile, automobile, motorcycle or other motor vehicle on any public road or highway or in any public place in the county of New Hanover shall not operate the same at a rate of speed greater than is reasonable and proper, having due regard to the use in common of such highway or public place, or so as to endanger the life or limb of any person: *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 six miles an hour; and that on meeting or passing carriages or other vehicles on the public roads the rate of speed shall not exceed twelve miles an hour: and *Provided further,* that any person operating a locomobile, automobile, motorcycle or other motor vehicle on any such public road or highway or public 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, motorcycle 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 other animals to pass; and in case such horse, horses or other animals appear to be frightened, and he is requested so to

Motor vehicles to give two-thirds of road.

Warning on approach from rear.

Passing to left.

Proviso: rate of speed.

Proviso: rate at sharp curve or road crossing.

Rate on meeting or passing vehicles.

Stop on request or signal.

Motor to cease running.	do, the person operating such locomobile, automobile, motorcycle 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 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;
Proviso: lights.	and <i>Provided</i> , that such locomobile, automobile, motorcycle or other motor vehicle shall, during the period from one hour after sunset to one hour before sunrise, exhibit at least two lamps, one on either side, showing a white light for a reasonable distance in the direction toward which such vehicle is proceeding, and also
Brakes, bells and signals.	showing a red light or lights in the reverse direction, and shall be provided with (and use at all proper and necessary times) a good and sufficient brake and a suitable bell, horn or other signal;
Signal to stop without cause forbidden.	and no person shall, through mischief or without reasonable excuse or cause, request any person operating a locomobile, automobile, motorcycle or other motor vehicle or signal him by putting up the hand to stop. If any person purposely violates 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, or if any person shall throw upon the highway or public roads any glass, glass bottles, broken or otherwise, nails, tacks or any substance of like nature likely to puncture or injure rubber tires of any vehicle or to injure the feet of horses or other animals, 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.
Acts declared misdemeanor.	
Punishment.	
Numbers attached to motor vehicles.	SEC. 2. It shall be the duty of the owner or other person operating a locomobile or automobile in the county of New Hanover to attach to the rear of any such locomobile, automobile or other motor vehicle the number of such machine, in plain figures, so as to be visible and easily read, and on the glass of a lamp on either side in front of any locomobile, automobile or other motor vehicle shall be placed the number of said machine in such manner as to be easily read at night, and to register the number of said machine with the clerk of the Superior Court in a book kept for that purpose by him, with the name of the owner set opposite such number.
Numbers on lamps.	
Registration.	
Application of act.	SEC. 3. That this act shall apply only to New Hanover County.
	SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby, in so far as they relate to this act, repealed.
	SEC. 5. That this act shall be in force from and after its ratification.
	Ratified this the 8th day of March, A. D. 1909.

CHAPTER 754.

AN ACT TO REGULATE THE CONSTRUCTION OF BARBED-WIRE FENCES IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to build any barbed-wire fence within thirty feet of any public highway in Jackson County without putting a guard rail of wood large enough to be distinctly seen by any animal on same at or near the top of said fence, between three and one-half feet and four and one-half feet from the ground. Building fence without guard rail forbidden.

SEC. 2. That any person or persons having barbed-wire fences now erected on their lands within thirty feet of any public highway shall, within six months from the ratification of this act, erect and maintain a guard rail on such fence. Fences already erected to have guard rail fitted.

SEC. 3. That this act shall not apply to fences erected where the fences are upon a bank that is as much as three feet in height above the roadbed. Fences on banks.

SEC. 4. That anyone violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court. Misdemeanor. Punishment.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 755.

AN ACT TO PROTECT OYSTERS IN PAMLICO 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 dredge in any of the waters of Pamlico County for oysters from the first day of April, one thousand nine hundred and nine, to the first day of April, one thousand nine hundred and eleven: *Provided*, they may take oysters with tongs from September to April in each year. Dredging forbidden. Open season for use of tongs.

SEC. 2. That if any person or persons, firm or corporation shall violate section one of this act, they or it shall be guilty of a misdemeanor, and upon conviction of the same in open court shall be fined not more than fifty dollars nor less than twenty dollars or imprisoned not more than thirty days for each offense. Misdemeanor. Punishment.

SEC. 3. This act shall be in force from the first day of April, one thousand nine hundred and nine. When act effective.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 756.

AN ACT RELATING TO HUNTING IN STEELE'S TOWNSHIP,
RICHMOND COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful to hunt game in Steele's Township, Richmond County, North Carolina, with gun or dog, between February fifteenth and November twentieth of each year.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 757.

AN ACT TO REGULATE THE SHOOTING AND SALE OF CERTAIN BIRDS IN NEW HANOVER, BRUNSWICK AND PENDER COUNTIES.

The General Assembly of North Carolina do enact:

Open season.

SECTION 1. That it shall be lawful to shoot curlew, dowager or dutch snipe and other migratory and seashore birds from the first day of August to the first day of February.

Sale of snipe,
woodcock and
summer duck
unlawful.
Close season for
woodcock in
Pender county.

SEC. 2. That it shall be unlawful to sell any snipe or woodcock or summer duck in the counties of New Hanover, Brunswick and Pender at any time of the year, and no woodcock shall be shot in the county of Pender from the first day of January to the first day of September.

Law protecting
marsh hens.
Limit on number.

SEC. 3. That the law governing the close season and protecting the marsh hen shall not be disturbed by this act, but it shall be unlawful for any one person to kill more than fifteen marsh hens in one day, and the possession of more than fifteen marsh hens by any one person shall be *prima facie* evidence of the violation of this law.

Misdemeanor.

Punishment.

SEC. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars for each offense or imprisoned for ten days.

Application of act.

SEC. 5. This act shall apply only to the counties of New Hanover, Brunswick and Pender.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 758.

AN ACT FOR THE PROTECTION OF GAME IN GASTON AND LINCOLN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any persons who are residents of counties that have no open season to hunt in the counties of Gaston and Lincoln for the period of two years from the ratification of this act, without first having procured a license in the county in which he wishes to hunt. Residents of counties having no open season not to hunt without license.

SEC. 2. That the license required in section one of this act shall be issued by the clerk of the court in said counties upon the payment of the sum of ten dollars, and shall be good only for the open season in said counties. The clerk of the court shall retain the sum of fifty cents for each license so issued, and pay the remainder into the public-school fund of his county. License issued by clerk of court.
License fee.
Division of license fee.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined twenty dollars or imprisoned not exceeding thirty days. Misdemeanor.
Punishment.

SEC. 4. That the fines so collected under this act shall be paid one-half into the school fund and one-half to the informant. Division of fines.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 759.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF CLEVELAND TOWNSHIP, JOHNSTON COUNTY, TO SELL A TRACT OF ONE ACRE OF LAND BELONGING TO CLEVELAND TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That J. Walter Myatt, W. G. Wrenn and T. T. Booker, trustees for Cleveland Township, Johnston County, be and they are hereby authorized and empowered to sell certain lands in said township which now belong to said Cleveland Township and known as the acre of land bought from Miss Lizzie Wood. Sale of land authorized.

SEC. 2. That said board of trustees are hereby authorized and empowered to make private sale of said property if in their judgment they can obtain a fair and reasonable price for same. Private sale authorized.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 760.

AN ACT TO AMEND CHAPTER 675 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE ROAD LAW OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Proviso stricken out.

SECTION 1. That chapter six hundred and seventy-five of the Public Laws of one thousand nine hundred and seven be amended by striking out all of section sixteen after the word "for," in line eight of said section.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 761.

AN ACT TO ENFORCE THE GAME LAW IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Close season.

Sale or offer to sell during close season unlawful. Possession prima facie evidence.

Unlawful to hunt without permission of landowner.

Prima facie evidence.

Misdemeanor. Punishment.

Application of act

SECTION 1. That it shall be unlawful for any person to trap, take, catch, shoot or kill or in any manner destroy any quail or partridges between the first day of February and the first day of December in any year; that it shall be unlawful for any person to sell or offer for sale any quail or partridges between the first day of February and the first day of December in any year, and the possession of any quail or partridges between said first day of February and the first day of December of any year by any person shall be *prima facie* evidence of the violation of this act.

SEC. 2. That it shall be unlawful for any person to hunt upon the lands of another without permission in writing from the landowner, and if any person shall go upon the lands of another with a gun it shall be *prima facie* evidence that such person is hunting, within the meaning of this section.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 4. That this act shall apply only to Cleveland County, and that all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they relate to Cleveland County.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 762.

AN ACT TO CREATE THE OFFICE OF AUDITOR FOR
ONSLow COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Onslow County are hereby authorized in their discretion to create and establish the office of county auditor for Onslow County and to elect a suitable person to such office, and to fix his salary and prescribe his duties and amount of his bond.

Establishment of office authorized.
Election of auditor.
Salary and duties.
Bond.

SEC. 2. That the term of office of said auditor, if said office is established under this act, shall be for two years or until his successor is elected and qualified.

Term of office.

SEC. 3. That if the said board of county commissioners shall fail to exercise the powers herein conferred upon them for the space of six months after the ratification of this act, then, upon the written petition of fifty reputable citizens and taxpayers of Onslow County requesting them to create said office of auditor, they shall immediately proceed to establish said office and to elect a suitable person to the office thus created, and require him to give bond and enter upon the duties of the said office.

Act to become mandatory on petition of fifty citizens and taxpayers.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 763.

AN ACT TO PREVENT THE THROWING OR DUMPING SAW-
DUST IN NORTH FORK AND ITS TRIBUTARIES ABOVE
THE DRAWBRIDGE IN McDOWELL COUNTY.*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 North Fork and its tributaries above the iron bridge in McDowell County.

Wasting, throwing or dumping sawdust into streams unlawful.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 764.

AN ACT TO REGULATE HUNTING AND KILLING GAME IN
HALIFAX COUNTY.*The General Assembly of North Carolina do enact:*

Open seasons for
different game
specified.

SECTION 1. That it shall be unlawful to hunt with gun or dog or to kill any of the following-named game in the county of Halifax, except between the dates in each and every year herein set out, as follows, to-wit: Quail or partridges, from November fifteenth to March first; turkeys, from November first to March first; robins, from January first to April first; deer, from September fifteenth to February first.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March. A. D. 1909.

CHAPTER 765.

AN ACT TO AMEND SECTION 3382 (A) OF THE REVISAL OF
1905, AS TO PLACING SAWDUST IN THE TRIBUTARIES
OF THE SOUTH FORK RIVER AND OTHER STREAMS IN
BURKE COUNTY.*The General Assembly of North Carolina do enact:*

Laws repealed as
to South Fork
river.

SECTION 1. That section three thousand three hundred and eighty-two (a) of the Revisal of one thousand nine hundred and five be amended by striking out, in lines twenty-two and twenty-three, the words "South Fork River and its tributaries, in Burke County," and that chapter two hundred and thirty-eight of the Public Laws of one thousand nine hundred and five be and the same is hereby repealed.

Sawmills run by
water power.

SEC. 2. That any person or persons operating any sawmills in Burke County, run by water power, prior to one thousand nine hundred and seven, which are not located in the fishing districts protected by law, shall have the right to operate said mills and let sawdust go in the streams, but no person shall have the right to move any such mills to any new site and allow sawdust or any other rubbish from said mills go into any stream or streams or place it where it will wash into any stream or streams.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March. A. D. 1909.

CHAPTER 766.

AN ACT TO PROTECT GAME IN STEELE'S TOWNSHIP
IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt any game upon the lands of another in Steele's Township, in Richmond County, without written permission of the landowner, and if any person shall go upon the lands of another with a gun it shall be *prima facie* evidence that such person is hunting, within the meaning of this act. Hunting without permission of landowner unlawful. Prima facie evidence.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 767.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND
CONSTABLES AT SAXAPAHAW MILLS, THOMPSON'S AND
NEWLIN'S TOWNSHIPS, ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the sheriff or deputy sheriffs in Alamance County living and residing at Saxapahaw Mills, Thompson's and Newlin's Townships, Alamance County, or those appointed by the sheriff of Alamance County for that section of said county in which Saxapahaw Mills is situated, and the constable of Thompson's Township and Newlin's Township, in said county, and he or they, shall have power and authority to suppress all disturbances of the quiet and good order of and in the village of Saxapahaw Mills and on the premises of Saxapahaw Cotton Mills, in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said village and on the above-mentioned premises. Said 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 sheriff or deputy sheriffs or constables are hereby required to report the name of such person to the proper authorities, to the end that he may be dealt with as the law directs. Said sheriffs or deputy sheriffs and constables shall have power to enter the enclosures and houses of any person in the aforesaid premises, without warrant, when he or they have good reason to believe that a Duty of sheriff or deputies and constable.
Power and authority.
Power to summon aid.
Report of persons refusing.
Power to enter enclosures and houses.

Persons arrested to have speedy trial.

Detention pending trial.

Powers as policemen.

Badge to be worn.

felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summon a posse to aid him or them, and all persons so summoned shall have like authority to enter and arrest. Any person arrested by said sheriff, deputy sheriff or constable for any offense shall, as soon as practicable, be taken before some justice of the peace of Alamance County, when and where formal complaint shall be lodged against such person, as prescribed by law, to the end that such person may have a speedy trial and be dealt with as the law directs; and in the meantime, and until the case is disposed of, such persons so under arrest may be detained and confined in a guardhouse or calaboose, provided for that purpose, by any of said officers, unless bail is given as provided by law.

SEC. 2. Such sheriff or deputy sheriffs and constable shall have the same power and authority in the said village of Saxapahaw Cotton Mills 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 sheriff or deputy sheriffs and constable when on duty, shall severally wear a metallic shield with the word "Police-man" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 768.

AN ACT TO CORRECT STATE GRANT No. 44. ISSUED TO MARCUS L. GREEN IN 1871.

The General Assembly of North Carolina do enact:

Collection of arrears authorized.

SECTION 1. That the Secretary of State be and he is hereby authorized, empowered and required to correct State grant Number Forty-four, issued March the twenty-seventh, one thousand eight hundred and seventy-one, by erasing the word "Green" wherever the same occurs and inserting in lieu thereof the word "Queen."

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 769.

AN ACT TO AMEND SECTION 4145 OF THE REVISAL OF
1905 OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand one hundred and forty-five of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out, in line fourteen thereof, the words "may elect to," occurring between the words "and" and "be" therein, and inserting in lieu thereof the word "shall," and by striking out the word "or," in line fifteen, and inserting in lieu thereof the words "and may," and by striking out the word "the," after the word "for" and before the word "four," in line sixteen thereof, and inserting in lieu thereof the words "not exceeding," and by striking out the words "but they cannot be paid for both," between the word "days" and the word "every," in said line sixteen, and inserting in lieu thereof the words "each year for such additional services as may be rendered by the committee in the discharge of their legal duties."

Pay of school committee.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 770.

AN ACT FOR THE RELIEF OF M. C. HONEYCUTT,
EX-SHERIFF OF YANCEY COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That M. C. Honeycutt, ex-Sheriff of Yancey County, be and is hereby empowered and authorized to collect arrears of taxes due him as said Sheriff of Yancey County for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, under the provisions of the law existing for those years for the collection of taxes.

Collection of arrears authorized.

Years.

SEC. 2. That any person holding a receipt for said taxes or making affidavit before a competent officer that he has paid said taxes for said year shall not be liable for said taxes under the provisions of this act; and all lands and property which has been sold and transferred to innocent purchasers for value and without notice shall not be levied upon for taxes under the provisions of this act.

Persons not required to pay.

Lands transferred not to be levied on.

SEC. 3. That this act shall be in force from and after its ratification, until the first day of June, one thousand nine hundred and ten.

Limitation.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 771.

AN ACT TO AMEND CHAPTER 926 OF THE PUBLIC LAWS OF 1907, RELATIVE TO PRIMARY ELECTIONS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section eight of chapter nine hundred and twenty-six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding at the end of said section the word "Hertford."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 772.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GASTON COUNTY TO ISSUE BONDS TO DEFRAY THE EXPENSE OF THE ERECTION OF A COURTHOUSE OR JAIL, OR BOTH, AS THEY MAY DEEM NECESSARY, AND FOR THE PURCHASE OF A SITE OR SITES FOR SUCH COURTHOUSE AND JAIL, IF SUCH BOARD OF COUNTY COMMISSIONERS SHOULD DEEM IT NECESSARY.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Maturity.

Authentication.

Interest.

Special tax ordered.

SECTION 1. That for the purpose hereinafter expressed, the Board of Commissioners of Gaston County is hereby authorized and empowered to issue negotiable coupon bonds in an amount not exceeding sixty thousand dollars (\$60,000), and said bonds shall be made payable thirty (30) years from the date thereof, and shall be in such form and of such denomination and payable at such place as the board of commissioners may determine. The said bonds and coupons shall be numbered, and the chairman of the Board of County Commissioners for Gaston County shall sign the same and affix thereto the corporate seal of the county of Gaston, and the execution of the same shall be attested by the register of deeds of said county in his capacity as clerk to said board. The said bonds shall bear interest at the rate of not over five per cent per annum.

SEC. 2. That said board of commissioners of the county of Gaston is hereby required and directed to levy and collect, in addition to all other taxes in said county, a tax not exceeding five cents on every hundred dollars upon all the taxable property and not exceeding fifteen cents upon each taxable poll of said county

of Gaston, sufficient to pay the interest on said bonds as the same become due and to pay the principal when said bonds mature. The said tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other tax upon the property and polls of said county. Constitutional equation.

SEC. 3. That the said bonds, or such portion thereof as the county commissioners may deem necessary, shall be sold by said board of county commissioners at public or private sale, with or without notice, as the said board may determine, and for sums not less than their par value and accrued interest, and the proceeds of said bonds shall be paid over to the treasurer of said county, and the same shall be expended by the board of county commissioners of said county for the erection of a courthouse or jail, or both, as the county commissioners may deem necessary, and for the purchase of site or sites, if such board of county commissioners should deem it necessary to purchase a site or sites for said purpose or purposes. Sale of bonds. Sale at not less than par. Use of proceeds.

SEC. 4. This act shall be in force from and after the date of its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 773.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF EDGE-COMBE COUNTY TO FUND THE DEBT OF THE COUNTY AND LEVY A SPECIAL TAX TO PAY THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of settling and paying the lawful indebtedness of Edgecombe County, contracted for the necessary expenses of said county, outstanding on the first day of January, one thousand nine hundred and nine, it shall be lawful for the board of commissioners of said county to fund the same by issuing the bonds of the county to the amount of sixteen thousand dollars (\$16,000) in the aggregate, and in the denominations of not more than one thousand dollars (\$1,000) nor less than one hundred dollars (\$100), with coupons attached for the interest, payable annually at the rate of five per cent, the said bonds to run for twenty years. Purpose of bond issue. Bond issue authorized. Amount. Denominations. Interest.

SEC. 2. That in order to pay said bonds and interest the board of commissioners of said county shall levy annually a special tax sufficient to create a sinking fund for the payment of the same and interest as it shall fall due, observing the constitutional equation. Special tax for sinking fund and interest. Constitutional equation.

between property and poll, when same may be done, the same to be collected and accounted for by the same officers who shall collect and receive the county taxes, and the board of commissioners shall require sufficient bonds of the sheriff or collector and the county treasurer for the faithful collection and payment of said taxes.

Authentication of bonds.

Record of bonds and coupons.

SEC. 3. That the said bonds shall be signed by the chairman of the board of commissioners and attested by their clerk and the seal of the county, and a book shall be kept by the clerk showing the number and amount of each bond issued, to whom payable and when canceled; also, there shall be kept by the clerk a book and abstract of each coupon canceled and showing the amount of the same and date of cancellation.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 774.

AN ACT RELATING TO COURT STENOGRAPHER FOR LENOIR COUNTY.

The General Assembly of North Carolina do enact:

County commissioners may appoint stenographer.

SECTION 1. That there may be appointed by the Board of County Commissioners of Lenoir County a competent stenographer for said county, to be designated as official court stenographer, who shall hold office at the pleasure of the board of county commissioners of said county.

Appointment on recommendation of committee of bar after examination.

SEC. 2. Said stenographer shall be appointed after an examination as to speed, accuracy and neatness of work. The appointment shall be made by the said board of county commissioners, upon the recommendation of the committee of three members of the Bar of Lenoir County, said committee to be appointed by the clerk of the Superior Court of said county. The committee shall make said recommendation after satisfying itself as to the applicant who makes the highest grade for the three conditions, namely, speed, accuracy and neatness, averaging the grade made on all three conditions and passing final grade on same.

Schedule of fees, rates and compensation.

SEC. 3. That the said committee and the Clerk of the Superior Court of Lenoir County be and they are hereby authorized and directed to fix and prepare a schedule of fees, rates and compensation to be paid said official stenographer for services as same. 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 the Superior Court of said Lenoir County. Said schedule of fees shall be recorded in the office of said clerk, and the said clerk shall tax as a part of the cost in all cases tried or disposed of in said Super-

Taxed as costs.

Schedule to be recorded and fees taxed by clerk of superior court.

rior Court such fees and charges as said schedule shall direct, and the same shall be collected as a part of the cost in each case, to be paid to the said official stenographer.

SEC. 4. Said stenographer shall take a stenographic report of each and every trial or proceeding, either criminal, civil or special, arising in said Superior Court, coroner's court or before the clerk of the Superior Court, or in *habeas corpus* proceedings, whenever any attorney appearing on either side of said trial or proceeding shall make demand in writing before the clerk of the Superior Court: *Provided* said stenographer is not otherwise engaged in court work at the time of said written demand.

Duties of stenographer.

Proviso: other engagements.

SEC. 5. That said official court stenographer shall hold office at the pleasure of the board of county commissioners: *Provided*, that upon recommendation of the Bar of Lenoir County said board of county commissioners shall order examinations to be made, as set out in section two, to test the competency of said official court stenographer; and whenever it shall be found that he is incompetent or otherwise unfit to hold and perform the duties of said office the committee of the bar named in section two shall hold examinations, open to applicants to fill said office, and shall appoint his successor, as provided for in section two.

Term of stenographer.

SEC. 6. That said official court stenographer shall be a resident of Lenoir County.

Stenographer to be resident of county.

SEC. 7. That said office of official court stenographer may be abolished at the discretion of the said board of county commissioners.

Office may be abolished.

SEC. 8. That this act shall be in full force and effect after the first day of July, one thousand nine hundred and nine.

When act effective.

Ratified this the 8th day of March. A. D. 1909.

CHAPTER 775.

AN ACT FOR PROHIBITING HUNTING DOGS FROM RUNNING AT LARGE DURING THE BREEDING SEASON OF BIRDS.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the passage of this act, it shall be unlawful for the owner or any person having the care of any pointer or setter dog to permit the same to run at large unmuzzled during the breeding season of quail, namely, from April first to September first of any year.

Permitting dogs to run at large unlawful.

Time of prohibition.

SEC. 2. When any pointer or setter dog shall be found ranging unmuzzled in the field or woods it shall be *prima facie* evidence that the owner of such pointer or setter dog has violated the provisions of this act, and upon conviction such owner or his agent

Prima facie evidence.

Misdemeanor.

Punishment. shall be deemed guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not longer than thirty days.

Application of act. SEC. 3. This act shall apply only to the counties of Guilford, Forsyth, Iredell, Moore, Yancey and Transylvania, Davidson and Durham, Green and Johnston.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 776.

AN ACT TO ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF GASTON AND LINCOLN.

Preamble. Whereas doubts have arisen concerning the location of the dividing line between the counties of Gaston and Lincoln, and the citizens living in the immediate vicinity of the line are unable to determine where they shall exercise their rights of citizenship and pay their taxes:

The General Assembly of North Carolina do enact:

Commissioners appointed. County commissioners to appoint additional commissioners. SECTION 1. That J. F. Leeper, of Gaston County, and C. E. Childs, of Lincoln County, be and are hereby appointed commissioners, and that it shall be the duty of the county commissioners of the counties of Gaston and Lincoln, respectively, at their meeting on the first Monday in April, one thousand nine hundred and nine, to appoint one commissioner for each county (who shall be a surveyor), which said commissioners, together with the commissioners herein appointed, shall in their discretion select one man from a county other than Gaston or Lincoln, who shall proceed to locate the dividing line between the counties of Gaston and Lincoln, and shall mark the same, by stones or other permanent monuments, at every point where said line crosses a public road and at as many other places as they shall deem necessary; and when they have so determined the proper location of the said dividing line they shall make a report of the same, under their hands and seals or under a majority of them, to the county commissioners of the respective counties of Gaston and Lincoln, who shall cause the same to be recorded in the office of the register of deeds of the said counties, and the said report establishing the said dividing line between the counties aforesaid shall be considered evidence conclusive of the dividing line between the counties in all matters in the several courts of the State.

Commissioners selected to select another commissioner. Line to be located and marked. Report to county commissioners. Report to be recorded. Conclusive evidence. Time for appointment by county commissioners. SEC. 2. That in the event the commissioners in either of the said counties shall fail to appoint the commissioner provided for in section one of this act, at the time hereinbefore specified, it shall

be the duty of the commissioners so failing to appoint the commissioner or surveyor to appoint the same at the subsequent meeting of the board next after the failure or as soon as it can be done.

SEC. 3. That the said commissioners are hereby empowered to summon all citizens or other persons necessary to appear before them to give evidence as to the location of the said line at any point between the Catawba River, at the Mecklenburg County line on the east, and the Cleveland County line on the west, and the said commissioners are hereby empowered to administer oaths to witnesses or for other purposes.

Power to summon witnesses and administer oaths.

SEC. 4. That for their compensation the commissioners or surveyors shall receive the sum of five dollars per day and all actual expenses, the cost of locating which line shall be equally paid by the counties of Gaston and Lincoln.

Pay of commissioners and surveyors.
Cost borne by counties equally.

SEC. 5. That the said commissioners shall, as soon after appointment as possible, agree upon a time for the beginning of the necessary survey, which time shall be such as will allow as early completion of the said survey as possible, not exceeding sixty days from the ratification of this act.

Time for beginning survey.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 777.

AN ACT TO ALLOW THE EX-SHERIFF OF RUTHERFORD COUNTY TO COLLECT ARREARS OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That E. A. Martin, ex-Sheriff of Rutherford County, is hereby authorized and empowered to collect taxes for the years one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven, under the rules and regulations as are now or may be prescribed by law for the collection of taxes.

Collection of arrears authorized.
Years.

SEC. 2. That no person shall be compelled to pay any taxes under the provisions of this act who will make an oath before anyone authorized to administer oaths that the same has been paid, nor shall any executor or any administrator be compelled to pay any arrears of taxes under this act after their final settlement with the clerk of the Superior Court.

Persons not compelled to pay.

SEC. 3. That the authority given by this act shall cease on the first Monday of December, one thousand nine hundred and ten.

Termination of authority.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 778.

AN ACT TO EMPOWER CITIES AND TOWNS OF LEE COUNTY TO CONDEMN LANDS FOR SEWERAGE SYSTEMS.

The General Assembly of North Carolina do enact :

Condemnation
authorized.

Procedure for
condemnation.

SECTION 1. That for the purpose of securing suitable locations for pipe lines and outfalls and disposal grounds and plants for sewerage systems, the cities and towns of Lee County are hereby empowered to condemn lands in the same manner and under the same laws as are now provided for railroad purposes, or for the condemnation of streets, as now provided by law.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 779.

AN ACT TO AMEND SECTION 4097 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS, AND ALSO CHAPTER 674 OF THE PUBLIC LAWS OF 1907, RELATING TO CONFEDERATE PENSIONS.

The General Assembly of North Carolina do enact :

SECTION 1. That section four thousand and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended, so as hereafter to read as follows :

Appropriation for
distribution to
public schools.

“Annual Appropriations for Distribution.—One hundred and twenty-five thousand dollars (\$125,000) is hereby appropriated annually out of the State Treasury for the benefit of the public schools, to be distributed to the respective counties of the State, per capita as to school population, on the first Monday in January of each year, using the school census of the previous scholastic year as a basis of apportionment.”

Proviso: limit of
amount paid for
pensions.

SEC. 2. That chapter six hundred and seventy-four of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: Strike out all after the words “State Treasury,” in line twenty-seven of section one of said chapter, and hereafter make the proviso read as follows: “*Provided, however,* that in no year shall the total amount paid for pensions exceed four hundred and fifty thousand dollars (\$450,000).”

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 780.

AN ACT TO AMEND SECTION 2776 OF REVISAL OF 1905 AND TO PRESCRIBE FEE OF REGISTER OF DEEDS FOR CANCELLING MORTGAGES, DEEDS OF TRUST OR OTHER INSTRUMENTS INTENDED TO SECURE THE PAYMENT OF MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and seventy-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the last word of said section the following: "For cancelling mortgages, deeds of trust or other instruments intended to secure the payment of money, fifteen cents." Fee for cancelling.

SEC. 2. That this act shall apply only to Tyrrell County.

Application of act.

SEC. 3. That this act shall take effect from and after ratification.
Ratified this the 8th day of March, A. D. 1909.

CHAPTER 781.

AN ACT PROVIDING FOR THE CONSTRUCTION AND KEEPING IN REPAIR THE PUBLIC ROADS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wilkes County may, in their discretion, on the first Monday in the month of June, one thousand nine hundred and nine, and annually thereafter, levy a tax of not less than ten cents and not more than thirty cents on the one hundred dollars valuation of all property subject in said county to taxation, which taxes shall be collected in the same manner as the other taxes are collected for State and county purposes, and shall be kept separate and apart in the tax books of said county from other taxes and shall be known as the road fund, to be used only in the construction, improvement and maintenance of the public roads of said county and in the purchase of material, implements, teams, wagons, camp outfits and quarters and stock-ades for the use and safe-keeping of the convict force. Levy of road tax authorized.

SEC. 2. That there may be elected by said board of commissioners, at their regular meeting in June, one thousand nine hundred and nine, and annually thereafter, a competent superintendent of roads, skilled in the modern method of road building, and who shall be paid a just and reasonable compensation, to be fixed by said board of commissioners, and said superintendent of roads may Superintendent of roads.
Removal for cause.

Vacancies.	at any time be removed from office by said board of commissioners, after having been given ten days' notice and a hearing, when in the opinion of said board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice, other than may be necessary to give him a hearing; and said board of commissioners shall have power to fill any vacancy in said office of superintendent of roads that may occur, by removal, resignation, death or otherwise, for the unexpired term of said office. And said superintendent of roads, before entering upon the duties of his office, shall deposit with said board of commissioners a good and lawful bond, to be approved by said board of commissioners, in the sum of two thousand dollars, as a guarantee of the faithful and honest discharge of his office and for the safe-keeping and return of all property entrusted to his care (unavoidable accidents only excepted), which bond shall be duly registered in the office of the register of deeds and filed for safe-keeping with the clerk of the Superior Court of said county.
Bond of superintendent.	
Duty of superintendent.	SEC. 3. That it shall be the duty of said superintendent of roads, subject to the approval of said board of commissioners, to supervise, direct and have charge of the building and maintenance of all public roads in the county, including the supervision of the convict force, and shall submit a monthly report concerning their work and progress, and shall submit semiannually a report of the condition of the public roads and bridges of the county, and also plans for their improvement, which said semiannual report shall include an inventory of the tools, implements, teams and other property and equipments on hand belonging to the county for road purposes.
Monthly reports.	
Semiannual reports.	
Guards and employees.	SEC. 4. That the said board of commissioners or the superintendent of roads, subject to the approval of said board, may appoint, with power to remove at any time, such guards or other employees as may be needed to take charge of the convict force, and also one person in each township of the county to be known as township supervisor, who, acting under the direction of the superintendent of roads, may supervise and direct the roads of his township. The said guards, employees and township supervisors shall be paid such per diem compensation for services rendered as may be fixed by said superintendent of roads and approved by said board of commissioners: <i>Provided</i> , that the per diem of said supervisors shall not exceed two dollars per day of ten hours each, with hands to work not less than eight in number.
Township supervisors.	
Compensation of guards, employees and supervisors.	
Proviso: limit of pay of supervisors.	
Prisoners worked on roads.	SEC. 5. That all persons confined in the county jail under a final sentence on account of crimes or misdemeanors, or imprisonment for nonpayment of costs or fines, or under the vagrant acts, all insolvents who shall be imprisoned for nonpayment of costs and all persons who should be sentenced to the State's Prison for a term of not more than ten years shall be worked on the public roads of the

county, and all such convicts shall be clothed and fed and otherwise cared for at the expense of said road fund: *Provided*, that in case of serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or county jail.

Proviso: physical disability.

SEC. 6. That the said board of commissioners are hereby authorized to accept convicts from other counties of the State sentenced by a Superior Court judge, whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners may be paid from said road fund.

Convicts from other counties.

Cost of transportation and maintenance.

SEC. 7. That for the purpose of carrying out the provisions of this act the said superintendent of roads and township supervisors, after first consulting the owner or agent of the land from which the material for repairing roads is gotten, are hereby authorized to enter upon any lands near to or adjoining any public roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any land adjoining or lying near the road in order to make such drain or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land or timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, drain, water course or waste ground, and shall be kept open by said township supervisor, and shall not be obstructed by the owner or occupant of such lands or by any other person or persons, under penalty of forfeiting a sum of money of not less than five dollars nor more than ten dollars or imprisonment or work on the roads in the county for not less than ten nor exceeding twenty days for each and every offense, which said penalty shall be enforced and collected by said board of commissioners in the manner prescribed by law for the enforcement and collection of other penalties for violation of the law; and said penalties, when collected, shall be paid over to the county treasurer and credited to the said road fund.

Entry on land for material.

Drains and ditches.

Forfeit for obstructing drains or ditches.

Penalties to use of road fund.

SEC. 8. That if any owner of any lands or agent of such owner having in charge lands from which timber, stone, gravel, sand or clay was taken, as aforesaid, shall present an account of the same to the superintendent of roads or to the township supervisor or to said board of commissioners, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents of such owner shall have the right to appeal from the action of said board to the Superior Court.

Accounts for material.

Right of appeal.

SEC. 9. That the said superintendent of roads shall have power to locate, relocate, widen or otherwise change any part of any public road of the county when in his judgment such location, re-

Powers of superintendent in locating or changing roads.

Survey.	location or change will prove advantageous to public travel; and in relocating and changing roads now in use, or opening new roads, the said board of commissioners shall cause the county surveyor or a civil engineer to make survey of the proposed change of the
Notice to land-owners.	old road or the new road opened, and if the said board shall adopt such survey they shall give notice to the owner or owners of the land that they have adopted such survey or surveys, and thereupon the same is hereby condemned for the use of the county for
Obstruction to survey or opening of road a misdemeanor.	a public road; and any person who shall obstruct the county surveyor or civil engineer in making a survey for the changing of the road or the opening of a new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and any person or persons who shall obstruct anyone authorized by this section in opening said
Punishment.	change of road or new road shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor to prosecute all offenses against the provisions of this
Obstruction to change of road a misdemeanor.	section: <i>Provided</i> , that if any person be aggrieved, he may, within six months after said change of road or a new road has been opened and completed, apply to the clerk of the Superior Court, who shall appoint a jury, to consist of five freeholders, to assess the damages, and the said jury determining said damage shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict, and said damages, if allowed, shall be paid out of the general funds of the county: <i>Provided further</i> , the person aggrieved shall have the right of appeal to the Superior Court.
Punishment.	
Proviso: procedure for assessment of damages.	
Proviso: right of appeal.	
Roads on township lines.	SEC. 10. That in case any public road shall be the dividing line between two or more townships, it shall be the duty of the township supervisors of the respective townships so divided to apportion the said road between the different townships in a just and equitable manner.
Road orders.	SEC. 11. That all disbursements of said road fund shall be made by order upon the county treasurer, issued by said board of commissioners, the superintendent of roads and township supervisors, and no order issued by said superintendent and township supervisors shall be paid unless approved by said board of commissioners; and said board of commissioners, in the disbursement of said road fund, shall deal in an equitable manner with all townships of the county; and any superintendent of roads or township supervisors who shall, under any pretense whatever, approve any order for material not received or services not rendered, shall be guilty of a misdemeanor and shall be fined and imprisoned at the discretion of the court.
Apportionment of funds.	
Approval of false account a misdemeanor.	
Punishment.	

SEC. 12. That the width of the public roads of the county shall be thirty feet, whenever practicable, and in no case shall they be less than sixteen feet in width. Width of roads.

SEC. 13. That it shall be the duty of said board of commissioners to commence all work for the macadamizing or permanent improvement of public roads of the county at the corporate limits of either the town of Wilkesboro or North Wilkesboro, and radiate from the said corporate limits for distances of not less than two miles, selecting the most important roads so radiating from said limits, and when any road shall be so selected the work on said road shall be continuous until completed for said distance of two miles. Beginning of permanent work.
Extent.

SEC. 14. That it shall be the duty of the township supervisors to meet on the first Saturday of March and the first Saturday of September of each year, in the courthouse in the town of Wilkesboro, at the hour of ten o'clock A. M., to receive instructions from said superintendent of roads, who shall preside at such meetings, upon the best methods of construction and the keeping in repair of the public roads of their respective townships, and for the discussion of any other matters appertaining to their duties as supervisors; and any supervisor who shall fail to attend such meetings may be removed by the said board of commissioners or by said superintendent of roads, unless a good and valid excuse be given for such absence. Meetings of township supervisors.

SEC. 15. That all able-bodied male persons, except those who reside in incorporated towns, between the ages of twenty-one and forty-five years of age, shall be required, subject to the order of the township supervisors of their respective townships, to work on the public roads, but no person shall be compelled to work more than six days in one year. The times when said township supervisors may summon said persons to work upon the public roads shall be prescribed by the board of commissioners of said county. Payment to the township supervisor of seventy-five cents per day, payable on or before the day of working said roads, shall excuse anyone from working on the public roads. Anyone failing to work or pay as above, when summoned by the supervisor of his township, shall be guilty of a misdemeanor and shall be fined not exceeding ten dollars or imprisoned not exceeding ten days. Persons subject to road duty.
Road duty.
Commutation.
Failure to discharge road duty a misdemeanor.
Punishment.

SEC. 16. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in full force and effect on and after the first Monday in the month of June, one thousand nine hundred and nine, for the entire county of Wilkes. When act effective.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 782.

AN ACT TO FIX SALARIES FOR CERTAIN PUBLIC OFFICERS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

- Officers to collect and pay over fees. SECTION 1. That the sheriff, register of deeds, Superior Court clerk and treasurer of the county of Pitt shall not hereafter collect or retain for their own use any fees, commissions, emoluments or other compensation for their services other than is hereinafter mentioned, but they shall demand, collect and receive all fees, commissions, emoluments and other pay which is now or may hereafter be allowed by law to sheriffs, clerks, registers of deeds and treasurers, and shall account for and pay over the same, as hereinafter directed.
- Salary of sheriff. SEC. 2. That the said sheriff shall receive a salary of three thousand two hundred and fifty dollars per annum and no other compensation whatever, except such fees as now are or may be allowed by law to sheriffs for the seizure or destruction of illicit stills and necessary expenses for conveying prisoners to jail in other counties and to the State's Prison.
- Allowances. SEC. 3. That the said register of deeds shall receive a salary of two thousand six hundred dollars and no other compensation, except such as may be allowed him by the board of county commissioners for copying any of the old record books of deeds and conveyances.
- Salary of register of deeds. SEC. 4. That the said clerk of the Superior Court shall receive a salary of two thousand dollars and no other compensation, except what may be allowed to him by the Superior Court for services as referee.
- Allowances. SEC. 5. That the said county treasurer shall receive a salary of nine hundred dollars and no other compensation whatever.
- Salary of county treasurer. SEC. 6. That whenever the sheriff of the county shall fail or neglect to execute the bonds required of him by law for the collection of taxes, and it shall become necessary to appoint a tax collector, the board of county commissioners shall fix and determine the salary of such tax collector, and the same shall be deducted from the salary herein allowed to the sheriff.
- Salary of tax collector when sheriff fails to qualify. SEC. 7. That should any of the aforesaid officers prefer to execute their official bonds in some bonding or security company authorized by the laws of this State to execute such bonds, they may do so, and the costs thereof shall be paid by the county out of the fund hereinafter created.
- Premiums on bonds. SEC. 8. That all fees, commissions, profits and emoluments of any kind, except those hereinafter excepted, which are now or may hereafter be allowed by the general laws of this State to similar officers, shall be faithfully collected by the aforesaid sheriff, register of deeds, clerk and treasurer, and by them paid
- Officers to collect and pay over.

over to the county treasurer on the first Monday in each month, and at the same time they shall file with the board of county commissioners an itemized statement of the same, duly subscribed and sworn to by them. The board of county commissioners shall appoint some member of the board or other suitable person to audit and approve the monthly reports of said officers, who shall have the right and power and it shall be his duty to examine all papers and books of every kind and description kept by and in the custody of said officers, and require a full and complete itemized statement, to be filed with him for the use of the board, of all fees, profits and emoluments received or which ought to have been received by them, which reports shall be recorded by him monthly in a book to be kept by the board for that purpose; that the board of county commissioners are authorized to pay, out of the moneys received by virtue of this act, as compensation for such services a sum not to exceed twenty dollars per month, as in their judgment may seem right and proper.

SEC. 9. That the salaries herein provided for shall be paid by the county treasurer, upon warrants issued by the board of county commissioners in favor of said officers, in monthly installments: *Provided*, that said salaries may be paid in warrants of irregular amounts, according to the needs of said officers, but shall never exceed for the year the annual salary herein fixed.

SEC. 10. That all moneys paid to the county treasurer by virtue of this act shall be by him kept separate and apart from all other funds in his hands, and shall be known and designated as the bond fund, which fund, after the payment of the aforesaid salaries and the costs of the official bonds of the aforesaid officers, shall be used solely and exclusively for the payment of the interest on the outstanding county bonds issued for the erection of bridges, and any surplus remaining shall be kept for a sinking fund for the payment of said bonds when they become due.

SEC. 11. That the said sheriff, register of deeds, clerk and treasurer shall perform all the duties imposed upon them by law, and shall receive no other compensation or allowance whatever than that above mentioned for any extra or additional services rendered to the county, State or other governmental agencies, and they shall be liable to all the pains and penalties which are or may be prescribed by law for failure to perform the duties of their several offices.

SEC. 12. Any officer herein mentioned who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office shall be guilty of a misdemeanor.

SEC. 13. That this act shall be in full force and effect from and after the fourth day of December, one thousand nine hundred and ten.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 783.

AN ACT FOR THE RELIEF OF RILEY HILL BAPTIST CHURCH.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person to sell or give away any cider, wine or other intoxicating drink within a mile and a half of Riley Hill Baptist Church, in Little River Township, Wake County, North Carolina, during any day on which religious or social services are held at said church.

Misdemeanor.
Punishment.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 784.

AN ACT TO INCREASE THE PAY OF JURORS IN GRANVILLE COUNTY TO TWO DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section two thousand seven hundred and ninety-eight be and is hereby amended by inserting in line nine, between the words "in" and "Greene," the word Granville.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 785.

AN ACT TO CORRECT THE CALLS IN LAND GRANT IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That grant Number Five Thousand and Fifty-one, issued to George E. Miller, of Ashe County, on December the thirteenth, one thousand eight hundred and fifty-two, be changed as follows: Insert in line four and after the words "Peak Creek"

the following: "Beginning on the northeast corner of the three-hundred-and-ninety-five-and-one-half-acre tract; deed by John L. Miller to George E. Miller."

SEC. 2. That this act shall not interfere with vested rights. Vested rights.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 786.

AN ACT TO AUTHORIZE THE ROAD COMMISSIONERS OF MONROE TOWNSHIP, IN THE COUNTY OF UNION, TO ISSUE BONDS FOR THE PURPOSE OF IMPROVING THE PUBLIC ROADS OF SAID TOWNSHIP.

Whereas Monroe Township, in the said county of Union, has by Preamble. convict labor graded the larger part of the public roads within said township, and it appears necessary and expedient to finish grading all of the roads within said township and to macadamize them; and it further appears necessary, in order for said township to finish said work, to issue bonds to provide for available funds: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road commissioners in Union County, having charge of the road work in Monroe Township, is hereby authorized and empowered to issue bonds in the name of Monroe Township, in the county of Union, State of North Carolina, in such denominations and forms as it may determine, to the amount not exceeding twenty-five thousand dollars (\$25,000), payable at such times and in such amounts as the said board of road commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be less than twenty years nor more than thirty years from their date: *Provided further*, that said bonds may be made payable in the sums of five thousand dollars (\$5,000) annually, at and after the expiration of twenty years from their date. Bond issue authorized.
Amount.
Maturity.
Proviso: payment in installments.

SEC. 2. That the said bonds shall bear interest at a rate, to be determined by the said board of road commissioners, not greater than six per cent per annum, and the interest shall be made payable annually or semiannually, as the board may prescribe. Interest.

SEC. 3. That the said bonds shall be signed by the chairman of said board of road commissioners, attested by the clerk or secretary of said board, and sealed with the corporate seal of said board, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from county taxation. Authentication.
Exemption from county taxation.

Coupons receivable for taxes.
Special tax.

Proviso: limit of rate.

Proviso: constitutional equation.
Proviso: specific appropriation.

Proviso: sinking fund

Special tax.

Rate.

Constitutional equation.
Appropriation of tax.

Responsibility.

Question submitted to voters.

Notice of election.

Law governing election.

Proviso: new registration.

tion until after they become due and payable, and the coupons shall be receivable in payment of county taxes; that for the purpose of paying said coupons as they become due, it shall be the duty of the board of county commissioners for the said county of Union, and they are hereby empowered so to do, to levy and have collected, as all other taxes for said county of Union are levied and collected each year, sufficient special tax upon all subjects of taxation in Monroe Township which are now or may hereafter be embraced in the subject of taxation: *Provided*, that the total rate of taxes for these purposes shall never exceed twenty-five cents on each one hundred dollars' worth of property; and *Provided further*, that the constitutional equation shall be observed: *Provided further*, that the taxes provided or levied for the payment of interest on said bonds shall be used for no other purpose; and it shall be the duty of the county treasurer, upon the order of the chairman of said board of road commissioners, to pay off said coupons, at their maturity, from the taxes received for said purpose, and, after said coupons are paid and taken up, to cancel the same and report not less than twice each year to the said board of road commissioners the number and amount of coupons canceled; and *Provided further*, it shall be the duty of said board of county commissioners, at the expiration of eighteen years of the existence of said bonds, to provide for a sinking fund, in order to pay off and discharge the said bonds as they mature; and it shall be the duty of said board, and it is hereby authorized and empowered, to levy and have collected a special tax sufficient for said purpose, not exceeding one dollar on each one hundred dollars' worth of property, and provided that the constitutional equation shall be observed, and the fund so collected shall be used for the purpose of paying off and discharging said bonds and for no other purpose, except that in event there should be a surplus it shall be turned over to the road fund of said township, to be used in improving the roads of said township.

SEC. 4. That the purchaser of said bonds or any part of them shall not in any event be required to see to the application of the funds derived from the sale of said bonds.

SEC. 5. That before any of the bonds hereinbefore provided for shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said Monroe Township, after thirty days' notice in some newspaper published in the city of Monroe, in said county, at an election to be held under the same rules and regulations as are now prescribed by law for general elections in the Revisal of one thousand nine hundred and five, which provides for elections, and the amendatory acts thereto: *Provided*, that there shall be a new registration for said township before said election, and such notice that the election shall be held shall set forth the objects for which said bonds are to be

issued, amount of same, the rate of interest, the time when they mature, and the rate of tax to be levied and collected to pay said coupons. Those qualified voters approving the issuing of such Bonds issued by majority of voters. Ballots. bonds and the levying and collecting of taxes to pay the same shall deposit in a separate ballot box a written or printed ballot with the word "Approved" thereon, and those desiring to disapprove the same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the said board of road commissioners shall issue the bonds provided for in such notice, and the said board of county commissioners shall levy and order the collecting of the taxes therein named and authorized by this act. Such elections may be held from time to time, as the board of county commissioners may determine, until a majority of the qualified voters of said Monroe Township shall vote "Approved": *Provided*, Successive elections. *however*, that not more than two such elections shall be held in any one year. That the said board of road commissioners may Sale of bonds. sell and issue said bonds to the amount of five thousand dollars (\$5,000) per annum, or in larger sums per annum if they deem expedient. The selling and issuing of same, as to the amount per annum, not less than five thousand dollars, shall be within the discretion of the said board of road commissioners.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 787.

AN ACT SUPPLEMENTAL TO AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT FOR THE COUNTY OF NEW HANOVER AND TO PRESCRIBE THE JURISDICTION THEREOF, RATIFIED ON THE FIRST DAY OF MARCH, 1909.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section three of "An act to establish a special criminal court for the county of New Hanover and to prescribe Verbal amendment. the jurisdiction thereof," ratified on the first day of March, one thousand nine hundred and nine, by striking out, in third line, the word "eleven" and inserting therein the word "ten."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 788.

AN ACT AUTHORIZING THE COMMISSIONERS OF RICHMOND COUNTY TO COMPENSATE THE SHERIFF FOR EXPENSES INCIDENTAL TO HOLDING COURTS.

The General Assembly of North Carolina do enact:

Compensation
authorized.

SECTION 1. That the commissioners of Richmond County are hereby authorized and directed to pay the sheriff of said county, deputies, criers, etc., reasonable and fair compensation for services rendered and expenses incurred on account of courts held in said county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 789.

AN ACT RELATIVE TO COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF RICHMOND COUNTY FOR KEEPING MINUTES OF THE COURTS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Allowance of
compensation
directed.

SECTION 1. That section one, chapter six hundred and ninety-nine, Public Laws of North Carolina, session of one thousand nine hundred and three, be amended by inserting the words "and are hereby directed" between the words "power" and "to," in line two of said section.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 790.

AN ACT TO REPEAL CHAPTER 61, PUBLIC LAWS OF 1889, IN RELATION TO ROAD CERTIFICATES AND THE GRANTING OF LAND IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

Revisal to apply.

SECTION 1. That chapter sixty-one, Public Laws of one thousand eight hundred and eighty-nine, be and is hereby repealed, and that chapter thirty-seven of the Revisal of one thousand nine hundred and five, and amendments thereto, shall apply to all land hereafter entered or granted in Jackson County.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 791.

AN ACT TO AMEND CHAPTER 20, PUBLIC LAWS 1907, RELATING TO REPAIRS OF PUBLIC ROADS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter twenty of Public Laws of North Carolina of one thousand nine hundred and seven be amended by changing the period at the end of said section to a colon and adding the following words: "*Provided*, that no supervisor shall do or contract for any repair work not recommended on a previous report of such supervisor and approved by the board of road commissioners, unless such repairs be necessary in order to prevent the road from becoming dangerous to travel before the next regular meeting of said board."

Proviso: contract for repairs.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 792.

AN ACT RELATIVE TO THE COMPENSATION OF THE TREASURER OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and sixty-six of the Public Laws of North Carolina, session one thousand nine hundred and five, be amended by adding at the end of section three the words "that the commissioners of said county may allow two and one-half per centum."

Allowance authorized.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 793.

AN ACT TO AMEND SECTIONS 3045, 3058, 3457, 4440, 4442, 4444, 4457, 4460 AND 4508 OF THE REVISAL OF 1905, RELATING TO THE PUBLIC HEALTH.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand and forty-five of the Revisal of one thousand nine hundred and five be amended by inserting after the word "method," in line twenty-eight, the words

Inspections of watersheds.

Reports of
inspections.

"scope and detail," and by adding at the end of said section three thousand and forty-five the following: "Full reports, in duplicate, of all such inspections shall be made promptly to the secretary of the State Board of Health and their accuracy certified by the affidavit of the inspector or such officer or person as the said secretary may direct."

SEC. 2. That section three thousand and fifty-eight of said Revisal be amended by adding thereto, as subsections (a), (b) and (c), the following:

Board of health
to have care and
oversight of
waters.
Examination of
waters, sources
and surroundings.

"(a) The State Board of Health shall have the general care and oversight of all inland waters, and shall, from time to time, as it may deem advisable, cause examinations of said waters and their sources and surroundings to be made, for the purpose of ascertaining whether the same are adapted for use as water supplies for drinking and other domestic purposes or are in a condition likely to impair the interests of the public or of persons lawfully using the same, or to imperil the public health. For the purpose aforesaid it may employ such expert assistance as may be necessary. The said board shall make such rules and regulations as in its judgment may be necessary to prevent contamination and to secure such purification as may be required to safeguard the public health. Any individual, firm, corporation or municipality, or the person or persons responsible for the management of the water supply, failing to comply with said rules and regulations shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Expert
assistance.

Rules and
regulations.

Failure to comply
with rules and
regulations mis-
demeanor.

Punishment.

Consultation and
advice.

"(b) The said board shall from time to time consult with and advise the boards of directors of all State institutions, the authorities of cities and towns, corporations or firms already having or intending to introduce systems of water supply, drainage or sewerage as to the most appropriate source of supply, the best practical method of assuring the purity thereof or disposing of their drainage or sewage, having regard to the present and prospective needs and interests of other cities, towns, corporations or firms which may be affected thereby. All such boards of directors, authorities, corporations and firms are hereby required to give notice to said board of their intentions in the premises, and to submit for its advice outlines of their proposed plans or schemes in relation to water supply and disposal of sewage; and no contract shall be entered into by any State institution, city or town for the introduction of a system of water supply or sewage disposal until said advice shall have been received, considered and approved by said board. Violation of the provisions of this subsection (b) shall be a misdemeanor, and upon conviction those responsible therefor by neglect of duty shall be fined not less than fifty dollars nor more than two hundred dollars, at the discretion of the court.

Notice of plans
to board of health.

Contracts not
entered into.

Misdemeanor.
Punishment.

"(c) That for the purpose of carrying out the general provisions of the said section three thousand and fifty-eight, as set forth in subsections (a) and (b), every municipal or private corporation, company or individual supplying or authorized to supply water for drinking or other domestic purposes to the public shall file with the secretary of the State Board of Health, within ninety days after receipt of notice from said secretary, certified plans and surveys, in duplicate, pertaining to the source from which the water is derived, the possible sources of infection thereof, and the means in use for the purification thereof, in accordance with the directions to be furnished by the said secretary. Failure to file said plans and surveys, as required in this subsection (c), shall be a misdemeanor, and upon conviction those responsible therefor by neglect of duty imposed thereby shall be fined not less than fifty nor more than one hundred dollars, at the discretion of the court; and every delay of one calendar month after the expiration of the said ninety days shall be a separate offense."

Certified plans and surveys to be filed.

Failure misdemeanor.

Punishment.

Separate offenses.

SEC. 3. That section three thousand four hundred and fifty-seven of said Revisal be amended by adding thereto as subsection (a) the following:

"(a) That for any violation of this section or of the laws relating in any way to the public health it shall be the duty of the solicitors of the several judicial districts, upon complaint of the board of health, or of any of its officers, or of any individual injured or likely to be injured, to institute a criminal action against the person, firm, corporation or municipality charged with such violation in their respective districts, and prosecute the same."

Solicitors to prosecute.

SEC. 4. That section four thousand four hundred and forty of said Revisal be amended by striking out all after the heading and substituting in lieu thereof the following: "The State Board of Health shall have a president, a secretary (who shall also be treasurer) and an executive committee, said executive committee to have such powers and duties as may be assigned it by the board of health. The president shall be elected from the members of the board and shall serve six years. The secretary-treasurer shall be elected from the registered physicians of the State and shall serve six years. The executive committee shall be composed of the president and the engineer member of the board, *ex officio*, and one other member of the board, to be elected from those composing it. The executive office of the board shall be in the city of Raleigh and the secretary shall reside there. The secretary shall be the executive officer of the board, and shall, under its direction, devote his entire time to public-health work and shall be known as the State Health Officer. He shall receive for his services such yearly compensation as shall be fixed by the board.

Organization of board of health.

Powers and duties of executive committee.
Election of president.
Term.
Election, qualification and term of secretary-treasurer.
Executive committee.

Executive office and residence of secretary.
Executive office.

State health officer.
Compensation.

Special assistant. not to exceed three thousand dollars and his actual traveling and hotel expenses when engaged in the work of the board. The board may in its discretion elect as a special assistant to the State Health Officer, for the antituberculosis work, the secretary of the State Association for the Prevention of Tuberculosis, at an annual salary not to exceed six hundred dollars. The members of the board shall receive no pay, except that each member shall receive four dollars a day and necessary traveling and hotel expenses when on actual duty in attending the meetings of the board or of the executive committee or in pursuing special investigations in the State; but when attending important sanitary meetings beyond the limits of the State, the number of delegates thereto being limited to one, in addition to the secretary, only actual traveling and hotel expenses shall be allowed. These sums shall be paid by the treasurer on authenticated requisition, approved and signed by the president."

Salaries.
Pay of board.
Meetings outside of state.
Meetings of executive committee.

SEC. 5. That section four thousand four hundred and forty-two of said Revisal be amended by adding thereto the following: "The executive committee shall meet at such time as the president of the board may deem necessary, and he shall call such meetings through the secretary."

Proviso: county superintendent of health.
Salary.

SEC. 6. That section four thousand four hundred and forty-four of said Revisal be amended by adding thereto the following: "*Provided*, that if the sanitary committee of any county shall fail to elect a county superintendent of health within two calendar months after the time set in section four thousand four hundred and forty-one of said Revisal for such election, the State Board of Health shall appoint a registered physician of good standing, resident in the said county, who shall serve the remainder of the regular two-year term, and shall fix his compensation, to be paid by the said county, in proportion to the salaries paid by other counties for the same service, having in view the amount of taxes collected by the said county."

Appropriation.

SEC. 7. That section four thousand four hundred and fifty-seven of said Revisal be amended by striking out, in line two, the word "two" and inserting in lieu thereof the word "six."

SEC. 8. That section four thousand four hundred and sixty of said Revisal be amended by adding thereto as subsection (a) the following:

Emptying bowel discharges without disinfection misdemeanor.
Punishment.
Penalty when discharge emptied on watershed.

"(a) Any householder in whose family there is to his knowledge a person sick of cholera or typhoid fever, who shall permit the bowel discharges of such sick person to be emptied without first having disinfected them according to instructions to be obtained from the attending physician or the county superintendent of health, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than twenty-five dollars or imprisoned not less than ten nor more than thirty days. In cases

where such undisinfected discharges are emptied on the watershed of any stream or pond furnishing the source of water supply for any public institution, city or town, the penalty shall be a fine of not less than twenty-five nor more than fifty dollars or imprisonment for not more than thirty days. And any physician attending a case of cholera or typhoid fever who refuses or neglects to give the proper instructions for such disinfection as soon as the diagnosis is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars.”

Failure of physician to give directions misdemeanor.

Punishment.

SEC. 9. That section four thousand five hundred and eight of said Revisal be amended by inserting after the word “mention,” in line eight, the words “or of tuberculosis or typhoid fever.”

Disinfection in case of tuberculosis and typhoid fever.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 794.

AN ACT RELATIVE TO ADVERTISEMENT OF PUBLIC SALES.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever in a statute or a written instrument it is stipulated that an advertisement of a sale shall be made for any certain number of weeks, a publication once a week for such a number of weeks so indicated shall be held and deemed to be a sufficient compliance with the aforesaid requirement, unless contrary provision is expressly made by the terms of such instrument.

Publication once a week.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 795.

AN ACT TO PREVENT THE INDISCRIMINATE MANUFACTURE AND SALE OF DUPLICATE SWITCH-LOCK KEYS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to make, manufacture, sell or give away to any other person any duplicate key to any lock used by any railroad company in this State on its

Manufacture, sale or gift of duplicate unlawful.

Exception.	switches or switch tracks, except upon the written order of that officer of such railroad company whose duty it is to distribute and issue switch-lock keys to the employees of such railroad company.
Misdemeanor.	Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.
Punishment.	

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 796.

AN ACT TO AMEND SECTION 1708, REVISAL OF 1905, RELATIVE TO ADVERTISING LANDS FOR SALE.

The General Assembly of North Carolina do enact:

Newspaper
publication.

SECTION 1. That section one thousand seven hundred and eight, Revisal of one thousand nine hundred and five, be amended by adding at end of said section the words "or in any county adjoining said county."

SEC. 2. This amendment shall apply to Graham County only.

SEC. 3. All laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 797.

AN ACT FOR THE RELIEF OF THE GARDENER OF THE CAPITOL SQUARE.

The General Assembly of North Carolina do enact:

Rate of pay.

SECTION 1. Amend section two, chapter eight hundred and thirty, Public Laws of North Carolina, session one thousand nine hundred and seven, by inserting after the word "building," in line nine of said section, the following: "and gardener of the Capitol Square."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 798.

AN ACT TO AID THE LAW SCHOOL OF THE UNIVERSITY
OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State is hereby authorized and directed to send to the law department of the University of North Carolina two sets of North Carolina Reports and two sets of the Laws of North Carolina, as complete as may be had from the reports and laws on hand. Laws and reports to be furnished.

SEC. 2. That this act shall be in effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 799.

AN ACT TO REPEAL CHAPTER 773 OF THE PUBLIC LAWS
OF 1907, RELATIVE TO THE PUBLIC ROADS OF ALEXAN-
DER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and seventy-three of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed. Law repealed.

SEC. 2. That this act shall be in force from and after the thirty-first day of May, one thousand nine hundred and nine. When act effective.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 800.

AN ACT TO ABOLISH THE SPECIAL PROVISIONS IN THE
REVISAL OF 1905, RELATING TO NEGOTIABLE INSTRU-
MENTS MATURING ON SATURDAY, AND TO AMEND SEC-
TIONS 2234 AND 2296 OF THE REVISAL OF 1905 FOR THAT
PURPOSE.

The General Assembly of North Carolina do enact:

SECTION 1. That all of section two thousand two hundred and thirty-four of the Revisal of one thousand nine hundred and five after the word "day," in line five, to the end of said section, be and the same is hereby repealed, and that the words "when Saturday is not a holiday presentment for acceptance may be made be- Special provisions repealed.

fore twelve o'clock on that day," be and the same are hereby stricken out of section two thousand two hundred and ninety-six of the Revisal of one thousand nine hundred and five.

Difference
abolished.

SEC. 2. There shall be no difference between Saturday and any other secular or business day, as far as negotiable instruments are concerned.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 801.

AN ACT TO REGULATE THE SETTING AND FISHING NETS IN NEUSE AND TRENT RIVERS.

The General Assembly of North Carolina do enact:

Stationary or
dutch nets in
Neuse and Trent
rivers.

SECTION 1. That no person or association of persons shall set or place or cause to be set or placed any stationary, set or dutch nets in either Neuse or Trent rivers above the point where the said Neuse and Trent rivers confluente.

Dutch nets in
Neuse river.

SEC. 2. That no person or association of persons or corporation shall set, cause to be set, fish or cause to be fished, use or cause to be used any dutch net, pound net or other stationary trap net or seine of similar description, by whatever name known, in the waters of Neuse River above Wilkinson's Point, on Pamlico side: *Provided*, that this section shall not take effect or be in force until January the first, one thousand nine hundred and ten.

Proviso: when
section effective.

Misdemeanor.

SEC. 3. That any person or association of persons setting or placing any nets, as described in section one of this act, on any day or part of a day, above the point where the said Neuse and Trent rivers confluente, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 4. That any person or association of persons or corporation setting or placing or causing to be set or placed any nets, as described in section two of this act, on any day or part of a day, above Wilkinson's Point, in Neuse River, shall be guilty of a misdemeanor.

Punishment.

SEC. 5. That any person or association of persons or corporation violating the provisions of this act shall upon conviction be fined fifty dollars or imprisoned thirty days for each and every violation of this act.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 802.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF BUNCOMBE COUNTY TO CONSTRUCT A BRIDGE
ACROSS THE FRENCH BROAD RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of providing for the construction of a bridge across the French Broad River in the vicinity of the present Smith's bridge, between the city of Asheville and West Asheville, in the county of Buncombe, the following named persons, to-wit, George S. Powell, W. T. Weaver, M. L. Reed, John Y. Jordan, Judson E. Morgan, Henry Clay Blackstock, V. S. Lusk, T. F. Rowland, R. I. Wilson, J. N. Morgan, J. P. Ward, W. M. Worley, F. P. Roberts, J. F. Mills and W. G. Candler are hereby appointed as a special commission, to be known as the Special Bridge Commission of Buncombe County. George S. Powell shall act as chairman of said commission, and said commission shall assemble and organize upon the written notice of said chairman, a majority of said members to be and constitute a quorum for the transaction of business.

Special bridge
commission.

SEC. 2. That it shall be the duty of said commission to consider the advisability, necessity and practicability of the construction of a bridge across the French Broad River in the vicinity of said Smith's bridge, and to that end shall carefully inquire into and ascertain the proximate cost thereof, the proper location of the same within the provisions of this act, the public good to be subserved thereby, the advisability and necessity thereof; the proportion of the cost which should be borne by the county and the proportion which should be paid by any other persons, firm or corporation that may be interested in or benefited by the construction of such bridge, and any and all other matters and things that may be pertinent to consider in regard thereto, it being the intention of this act to vest in said commission full power to inquire into and ascertain and consider the whole question of the construction of such bridge within the provisions of this act; and when said commission shall have fully considered the same, it shall be their duty to make up and deliver to the Board of Commissioners of Buncombe County a report, in writing, signed by them or a majority of them, said report to embody all the facts which may be found relating to the construction of such bridge, with a recommendation to the said board of commissioners as to whether or not it, in the opinion of said special commission, is advisable that the county shall undertake the construction thereof; and if the construction of such bridge shall be recommended by said special commission, then upon what terms as to the proportion of the cost thereof shall be paid by the county: *Provided*, that the findings of said commission shall not conflict with any of the particular provisions of this act.

Chairman.

Commission to
meet and
organize.
Quorum.

Commission to
consider necessity,
advisability and
practicability of
bridge.
Matters for
inquiry.

Report to
embody facts.

Recommendation.

County commissioners may approve or reject report.

Construction of bridge authorized.

Bond issue authorized.

Amount.
Maturity.
Authentication.

Interest.

Denomination.

Bonds not to be sold below par.
Cost to county.

Proceeds a separate fund.

Separate accounts.

Special tax.

SEC. 3. That upon the filing of such report with the Board of Commissioners of Buncombe County, said commissioners shall approve or reject the same, as they may see proper; but if said report shall recommend the construction of said bridge, and the same shall be approved by the board of county commissioners, then said board of county commissioners are hereby empowered to build and construct said bridge across the French Broad River at Asheville, pursuant to the findings of said special commission; and for the purpose of building and constructing said bridge, and for securing all necessary lands and rights of way for approaches thereto, the said Board of Commissioners of Buncombe County are hereby empowered to issue and sell the bonds of said county, not to exceed fifty thousand dollars, said bonds to mature at the end of twenty years from the date thereof. The said bonds shall be denominated bridge bonds, and shall be signed by the chairman of the board of county commissioners of said county and shall have affixed thereto the common seal, and the interest thereon shall not exceed five per cent per annum, payable semiannually, and they shall be in denomination of not less than one hundred nor more than one thousand dollars each, payable at such place as said board of commissioners shall designate therein, and shall have attached thereto coupons representing the semiannual payments of interest due upon each of said bonds, the said coupons to be identified by numbers corresponding to the bonds to which they are attached, and shall have such other evidences of identity as the board of commissioners may prescribe.

SEC. 4. No bond issued under the provisions of this act shall be sold or otherwise disposed of for less than par value, and said bonds shall be sold by the county commissioners of Buncombe County, without any cost to the county except the actual and necessary expenses incurred in the printing and sale thereof, and all coupons on said bonds for interest which by the terms of such coupons shall have already accrued prior to the date of sale shall be detached before said bond is delivered.

SEC. 5. That the proceeds arising from the sale of the bonds issued hereunder shall constitute a separate and distinct fund, to be applied and appropriated to the respective purposes for which they are issued, as provided herein, and all other moneys which may be derived from any other sources for the construction of said bridge shall constitute a portion of the same fund, and the said board of commissioners shall cause the treasurer of said county to open and keep a separate account of said funds, so that the condition thereof may at all times be shown.

SEC. 6. That in order to pay the interest on any bonds which the said board of county commissioners may issue and sell for the purpose herein mentioned, and the principal thereof as it may mature, the board of commissioners of said county shall annually

levy a special tax sufficient to meet the demands, said tax to be levied and collected as other county taxes, and shall be imposed upon all property which is now or hereafter may be subject to taxation under the laws of this State for county purposes, and it shall be collected by the officers charged with the collection of other county taxes, who shall in respect thereto be liable, officially as well as personally, to all the requirements of law now prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

SEC. 7. That the Board of Commissioners of Buncombe County are further empowered to acquire, by purchase or by condemnation proceedings, or otherwise, as hereinafter provided, all such lands as may be necessary as a site for said bridge, and all such rights of way, easements and lands as may be necessary for proper approaches thereto, any payment that may be necessary on account thereof to be made out of the funds derived from sources mentioned in this act; and they shall have authority, in the event that said special commission hereby created shall so find and recommend, to construct said bridge at such place as may be determined upon, under the provisions of this act, and of such size and dimensions as may be recommended by said special commission and as in the judgment and discretion of said board of county commissioners may seem best; said bridge, however, not to be less than twenty-four feet in width, exclusive of necessary walkways, and not to be located by said special commission or said board of county commissioners within . . . feet of the southwest end of the present Smith's bridge, such distance to be measured with and in the present macadam road leading down the French Broad River from said bridge or in the road leading to West Asheville; and *Provided further*, that said bridge shall be located at such point as to allow a convenient access and use by that portion of the people of the said county now using the road by way of Emma to Asheville, as well as the other sections of said county using the road to Asheville running through West Asheville.

Power to acquire land for bridge.

Specifications as to dimensions and location.

SEC. 8. That in the event said board of commissioners shall undertake the construction of said bridge under the provisions of this act, and shall be unable to agree with the owner or owners as to the value of any property which may be necessary for the construction of the said bridge and the approaches thereto, or for any other reason are unable to obtain the title to such property, said board of commissioners shall be empowered to institute proper proceedings for the purpose of condemning said lands, such proceedings to be prosecuted in the manner now provided by law for condemnation of land for road purposes in said county; and the cost of the same, together with the damage which shall be awarded to such owners for any lands so taken, shall be paid by said board of commissioners out of said fund.

Condemnation of lands.

Contracts with
railroad com-
panies.

Procedure for
ascertainment of
benefits.

Cause to be heard
on pleadings and
evidence.

Jury of view.

Report.

Consideration of
report.

SEC. 9. That the said board of commissioners shall have full power and authority to contract and agree with any railroad company over whose tracks any bridge herein provided for shall be constructed, and in particular with the Southern Railway Company, for the payment to said county of such sum as may be agreed upon by said board of commissioners and such companies for the special benefit to be received by such company by reason of the construction of said bridge above said railroad tracks, so as to divert traffic from the grade crossings thereof, and the relief resulting to said railway on account of the heavy traffic and congested conditions at the present road crossings at or near the eastern end of said Smith's bridge; and in the event said board of commissioners and such railroad company thus deemed to be benefited shall be unable to agree as to the amount of such benefits, then said board of commissioners shall be empowered to proceed to ascertain the same by a special proceeding for that purpose, to be instituted by said board and in their names in the Superior Court of Buncombe County, North Carolina, before the clerk thereof, the same to be commenced by summons issued at the instance of said commissioners, served on such company or companies whose railroad is or may be benefited by the construction of the said bridge, and made returnable as summons in other special proceedings; and on or before the return day thereof the said commissioners shall file a petition in such cause, signed and verified as in other special proceedings, containing a description of the railroad or other roads which said commissioners allege have been benefited or will be benefited by the construction of said bridge, the amount of benefits claimed by said commissioners, and that they have been unable to agree with such railroad companies or other company as to the amount of such benefits, and the petition may be answered by such company or companies as may be defendant in such proceedings, under the rules and regulations provided for answering in any other special proceeding. After such answers shall have been filed, or after the time shall have elapsed for filing the same, it shall be the duty of the clerk of the Superior Court of said county to hear said cause on the pleadings filed therein, and such other evidence as may be offered; and if he shall so adjudge, said clerk shall appoint five commissioners, whose duty it shall be to view the premises, take into consideration the construction of the bridge and approaches thereto, and to consider and find what benefits, if any, will be conferred or have been conferred upon said company or companies by said improvement, and within ten days after their appointment to report their proceedings in writing to said court, setting forth the amount, if any, which they or the majority of them shall find that said company or companies will be or have been benefited by said bridge, which report, if no exceptions be filed thereto within ten days, shall be considered by said clerk and

confirmed or modified, as in cases of condemnation of lands for railroad purposes, as prescribed in chapter sixty-one of the Revisal of one thousand nine hundred and five; and in case said board of commissioners or the said railroad companies whose railroad or property is alleged to be benefited by said improvement shall be dissatisfied with the amount of said benefits as found and set out in said report, then in that case the parties so dissatisfied may file exceptions to the amount of said benefits so assessed in said proceedings, and thereafter the proceedings in said cause shall be as prescribed by chapter sixty-one of the Revisal of North Carolina of one thousand nine hundred and five, and that the final judgment rendered in said proceedings, if in favor of said board of commissioners, shall have the same force and effect that other judgments rendered by said court have, and shall be enforced in the same manner as such other judgments, and the funds derived therefrom shall be received by said board of commissioners and used by them for the construction of said bridge and approaches thereto, as the funds derived from the sale of said bonds herein mentioned.

Exceptions.

Further proceedings.

SEC. 10. That pursuant to sections one, two and three of this act, and after the same shall have been complied with, said commissioners are empowered to so construct and build said bridge and the approaches thereto as to provide a way for the construction and operation thereon of a single-track railway, street railway or other road for carrying passengers and freight, and shall be empowered to convey to any person, firm, company, corporation or association proposing or desiring to operate such railway or street railway over said bridge a right of way thereon and thereover, and for such compensation and upon such terms and for such length of time as may be recommended by said special commission, approved by said board of county commissioners and agreed upon between said board of county commissioners and such person, firm, company, corporation or association proposing to operate such railroad, and with such provisions for maintaining said bridge as may be agreed upon; and said board of commissioners may prescribe such other rules and regulations and make such further stipulations in regard thereto as they may deem proper and as may be agreed upon between them and such persons, firms, companies, corporations or associations proposing to operate such railway across said bridge, and the sum so received by said board of commissioners for said right and privilege shall be turned into the fund which may be derived from the sale of bonds under this act, and shall be used for the construction of said bridge and its approaches.

Specifications of construction as to railways and street railways.

Conveyance of rights of way.

SEC. 11. Said board of commissioners shall have full power and authority to accept from any person or persons or corporation, municipal or otherwise, any lands, moneys, property or things of value whatsoever for the purpose of aiding in the construction of said bridge and its approaches.

Power to accept donations.

Sum to be raised
from beneficiaries.

SEC. 12. That before said board of commissioners shall proceed to construct said bridge or shall in any way or to any extent obligate the county on account thereof, it shall be necessary to secure from the various sources mentioned herein, other than the sale of bonds of said county, at least the sum of twenty thousand dollars to be used in constructing said bridge, it being the intention hereof that the Southern Railway or such other road as may be benefited by the construction of said bridge, together with such persons, firms, companies, corporations or associations as may desire to operate a street railway or other road for carrying passengers and freight across said bridge, and any other persons or corporations, municipal or otherwise, that may be interested therein, shall contribute at least said sum to the construction of such bridge, and as much in addition thereto as may in the discretion of said special commission and the board of county commissioners be just and proper.

Vacancies filled
in bridge com-
mission.

SEC. 13. That if any member of said special bridge commission herein named shall neglect or refuse to act or shall die or resign before he or they shall have fully completed the duties herein required, then and in that event the board of county commissioners shall appoint some suitable person or persons to fill any vacancies so arising.

Maintenance of
bridge.

SEC. 14. That upon the completion of said bridge and its approaches, they shall thereafter be kept up and maintained as other public bridges and the public roads of said county, and any funds remaining under the control of said board of commissioners derived from the sources hereinbefore mentioned and not used in the construction of said bridge and its approaches shall be used by said board of commissioners for the maintenance and repair of said bridge and the public roads of said county.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March. A. D. 1909.

CHAPTER 803.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RANDOLPH COUNTY TO USE CERTAIN FUNDS FOR BUILDING A NEW COURTHOUSE AND BRIDGES.

Preamble.

That whereas the General Assembly of one thousand nine hundred and seven authorized the Board of Commissioners of Randolph County to work the convicts of said county in constructing a new courthouse; and whereas they have built a new courthouse and used convicts in constructing the same; and whereas, in levying the taxes in one thousand nine hundred and seven, an order

Preamble.

Preamble.

was made to levy certain taxes for the road fund, by error, when it was intended to be levied for convict force; and whereas the Preamble. freshet in August, one thousand nine hundred and seven, washed away several bridges in said county; and whereas it appears that Preamble. over three thousand dollars was remaining to the road fund in December, one thousand nine hundred and eight, and has not yet been used: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Randolph County be and they are hereby authorized to expend the sum of three thousand dollars on hand December first, one thousand nine hundred and eight, as a road fund for the purpose of constructing bridges in said county or for paying on the construction of a new courthouse in said county. Expenditure authorized.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 804.

AN ACT TO ALLOW THE ATTORNEY-GENERAL A LAW CLERK.

The General Assembly of North Carolina do enact:

SECTION 1. That the Attorney-General shall be allowed a law clerk allowed, clerk, to be appointed by him, at a salary of fifteen hundred dol- Salary. lars per annum, payable monthly.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 805.

AN ACT TO CHANGE THE LINE BETWEEN DANBURY AND SNOW CREEK TOWNSHIPS, STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the dividing line between Danbury Township Line removed. and Snow Creek shall be and is hereby removed from its former place and shall be as follows: Beginning at Moir's Ford, on Big Line as established. Snow Creek, and running up said creek to the mouth of Little

Snow Creek; thence up Little Snow Creek to Peter's Creek Township line; and that the section of territory covered by the removal of said line shall be, after passing this act, a part of Danbury Township.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 806.

AN ACT TO PLACE THE PUBLIC OFFICERS OF HENDERSON COUNTY ON SALARY AND TO REGULATE THE USE AND MANAGEMENT OF THE COUNTY COURTHOUSE.

The General Assembly of North Carolina do enact:

Salary of clerk of superior court.

SECTION 1. That the Clerk of the Superior Court of Henderson County shall be paid an annual salary of one thousand five hundred dollars in full compensation for all services rendered by him in his said office, whether as clerk of the Superior Court, probate judge or any other work done by him in or by virtue of his said office, in lieu of the fees now allowed him by law or which may hereafter be so allowed, which salary shall be paid by the treasurer of said county in monthly installments of one hundred and twenty-five dollars, on the first Monday in each month; and the said clerk shall continue to collect all fees, costs and commissions as he has heretofore done and as are allowed by law, and he shall pay over the same to the treasurer of said county monthly on the first Monday in each month, and the said fees, costs and commissions so collected and paid over by the said clerk shall be placed to the credit of the general county funds; and the said clerk shall file with the county commissioners of the said county on the first Monday in each month a sworn statement of all such fees, costs and commissions collected by him during the previous month.

Clerk to collect and pay over fees.

Monthly sworn statements.

Salary of register of deeds.

SEC. 2. That the Register of Deeds of Henderson County shall be paid an annual salary of one thousand two hundred dollars in full compensation for all services rendered by him in his office or by virtue thereof, including the making-up of the tax list, acting as clerk of the board of county commissioners, entry taker, and every other act and thing done or required to be done under color or by virtue of his office, in lieu of the fees, allowances or other compensation whatsoever now allowed him by law or which may be hereafter so allowed, which salary shall be paid in monthly installments of one hundred dollars, on the first Monday in each month, by the treasurer of said county. The said register of deeds shall file a sworn itemized statement with the county commission-

Sworn itemized statement filed monthly.

ers of said county on the first Monday in each month, showing all fees and allowances, from what source soever connected with his office, collected by him during the previous month, and he shall pay over and account for the same to the treasurer of said county; and the said register of deeds shall collect all fees and allowances as he has heretofore done and as are allowed by law or which may hereafter be so allowed, and shall be responsible on his official bond for all fees and allowances so collected or which by law ought to have been so collected by him; and the said register of deeds shall be allowed four hundred dollars per year for clerk hire, or so much thereof as may be necessary: *Provided*, that he shall be allowed no more for clerk hire than he actually spends for that purpose. All money paid over to the county treasurer by the register of deeds, as above provided, shall be placed to the credit of the county public-school fund and shall be apportioned to the various school districts by the county board of education and expended by them as other public-school money.

Register to collect fees.

Allowance for clerk hire.

Proviso; allowance to be actually expended.

SEC. 3. That the office of tax collector and treasurer of Henderson County shall be and is hereby continued as one office, separate and apart from the sheriff's office, and the said tax collector and treasurer shall be elected, as now provided by law, in the years one thousand nine hundred and nine and one thousand nine hundred and eleven. That at the general election in November, one thousand nine hundred and twelve, and biennially thereafter, said tax collector and treasurer shall be elected as other county officers are elected in said county. The duties of said tax collector and treasurer shall be in all respects the same as those now or which may hereafter be provided by the general law of this State for county tax collectors and county treasurers. That the said tax collector and treasurer shall enter upon the duties of his said office on the first Monday in July after said election, and biennially thereafter; that the tax collector and treasurer of said county shall be paid a salary of two thousand dollars per year in full compensation for all services rendered by him in his said office, in lieu of the commissions as now allowed him by law or which may hereafter be so allowed; and the said tax collector and treasurer shall be paid his salary in equal monthly installments on the first Monday in each month. The said tax collector and treasurer shall account and pay over in his settlements with the county commissioners all such sums as he may collect as costs or fees under the provisions of the general law of this State. The said tax collector and treasurer shall make monthly statements to the county commissioners on the first Monday in each month, showing the amount of money collected by him during the previous month, the amount paid out by him during said previous month, and the amount on hand, which statements may at the direction of the county commissioners be published for the general information of the people of the county.

Office of tax collector and treasurer continued. Election in 1909 and 1910.

Future elections.

Duties.

Beginning of term.

Salary.

Costs and fees to be paid over.

Monthly statements.

Salary of sheriff.	<p>SEC. 4. That the Sheriff of Henderson County shall be paid a salary of one thousand dollars per year, and in addition thereto shall be allowed fees, as now provided by law or which may hereafter be so provided, for keeping the county jail, which said salary shall be paid by the treasurer of the said county in equal monthly installments on the first Monday in each month, in lieu of the fees, costs and other allowances allowed by law or which may hereafter be so allowed; and the said sheriff shall make a sworn itemized statement to the county commissioners on the first Monday in each month, showing all fees, costs, commissions and other allowances collected and received by him, from what source soever, except from the jail, during the previous month; and he shall pay over on said first Monday in each month to the treasurer of said county all such fees, costs, commissions and allowances so collected by him or which by due diligence ought to have been so collected; and all moneys so paid over by said sheriff shall be placed to the credit of the county funds. The said sheriff shall be allowed one deputy during the sittings of the Superior Courts of said county for the trial of civil cases and two deputies during the sittings of said court for the trial of criminal cases, whose per diem, not to exceed two and one-half dollars per day each, shall be paid by the county treasurer upon proper claim, approved by the county commissioners. It shall be the duty of the said sheriff to attend to the heating and lighting of the courthouse and jail and keeping the same in a neat, clean, sanitary condition, and for this purpose the county commissioners may allow him as full compensation for said services a sum not exceeding twenty-five dollars per month, to be paid by the treasurer of said county on the first Monday in each month, and the said commissioners shall pay no other or further sum to any other person for the performance of the said work.</p>
Fees allowed.	
Sworn itemized statements filed monthly.	
Allowance for deputies.	
Compensation for care of courthouse and jail.	<p>SEC. 5. It shall be the duty of the health officer of Henderson County to inspect the county jail and courthouse once in three months, and to direct any measures of sanitation he may deem necessary in said building, and the sheriff shall carry out any such directions. For said services the said health officer shall be allowed a reasonable compensation by the county commissioners.</p>
Inspection of jail and courthouse.	
Compensation of health officer.	
Rooms to be provided for officers.	<p>SEC. 6. That the county commissioners of Henderson County shall provide rooms or offices, on or before the first day of July, one thousand nine hundred and nine, on the first floor of the courthouse in Henderson County, for the clerk of the Superior Court, register of deeds, sheriff, tax collector and treasurer, road supervisor, superintendent of public instruction and board of education, the grand jury and county commissioners. No rooms in said courthouse shall be rented to private individuals, firms or corporations for any purpose whatsoever, and the use of no room shall be given to any person, firm or corporation for any other than charitable or educational purposes. Any violation of the provi-</p>
Rooms in courthouse not to be rented.	
Misdemeanor.	

sions of this section is declared a misdemeanor, and any person or persons convicted therefor shall be fined in the discretion of the court. Punishment.

SEC. 7. That the county commissioners of said county shall, on the first Monday in June, one thousand nine hundred and nine, and annually thereafter, appoint three intelligent, well-informed and competent persons, two of whom shall belong to the opposite political party from the said commissioners, who shall be recommended by the county chairmen of the two political parties, as a finance committee for said county, whose duty it shall be to meet with the said commissioners on the day or days set for final annual settlement with the various county officers, and to assist in said settlement and to see that the same are properly made and a proper and true record thereof be placed upon proper books kept for that purpose. It shall be the further duty of the said finance committee and they shall have power to inspect the offices and the books of all public officers of said county, and they shall report the condition of all such offices and the books kept therein to the county commissioners. It shall be the further duty of the said committee to make and publish the annual financial statement heretofore required to be made and published by the commissioners, and they shall have the same published by the person or persons who will publish same for the lowest price, and said report made by said finance committee to said commissioners shall be published with said financial statement. For the services herein required of the finance committee the members thereof shall be paid the sum of two dollars per day for the days actually spent in said work: *Provided*, that for the first twelve months after the ratification of this act C. M. Fletcher, H. W. Allen and W. S. Young shall constitute the finance committee provided for in this act. Appointment of finance committee.

Political affiliations.

Duties of finance committee.

Inspection of offices and books.

Publication of financial statement.

Pay of finance committee.

Proviso: finance committee named.

SEC. 8. That this act shall be in force from and after the first day of July, one thousand nine hundred and nine, except as to that part referring to the salaries of the clerk of the Superior Court, register of deeds, tax collector and treasurer and sheriff, and it shall become effective and be in force as to said salaries on the following dates, viz.: Clerk of Superior Court and register of deeds, from and after the first Monday in December, one thousand nine hundred and ten; sheriff, from and after the first Monday in December, one thousand nine hundred and nine, and tax collector and treasurer, from and after the first Monday in July, one thousand nine hundred and eleven; and the said officers shall be paid salaries, as hereinbefore provided, after the said above dates, in lieu of fees, costs, commissions or other compensation. When act effective.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 807.

AN ACT TO AUTHORIZE AND DIRECT SHERIFFS AND OTHER OFFICERS TO SEIZE AND DESTROY DISTILLERIES AND APPARATUS USED IN THE MANUFACTURE OF INTOXICATING LIQUORS IN VIOLATION OF THE LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sheriff and police to search for and seize distillery and apparatus.

Apparatus and material delivered to county commissioners, confiscated and destroyed.

Liquors to be seized and destroyed.

Arrest of persons found on premises.

Fee for seizing distillery.

SECTION 1. It shall be the duty of the sheriff of each county in the State and of the police of each incorporated town or city in the State to search for and seize any distillery or apparatus used for the manufacture of intoxicating liquors in violation of the laws of North Carolina, and to deliver the same, with any materials used for making such liquors found on the premises, to the board of county commissioners, who shall confiscate the same and shall cause said distillery to be cut up and destroyed, in their presence or in the presence of a committee of said board, and who may dispose of said material, including the copper or other material from the destroyed still or apparatus, in such manner as they may deem proper.

SEC. 2. That it shall be the duty of said officers to seize and then and there destroy any and all liquors which may be found at such distillery, and to arrest and hold for trial all persons found on said premises engaged in distilling or aiding or abetting in the manufacture or sale of any intoxicating liquors.

SEC. 3. That for every distillery seized under this act the sheriff or other police officer shall receive the sum of twenty dollars, which shall be allowed by the commissioners of the county in which the seizure was made.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 808.

AN ACT TO AMEND SECTION 3057 OF THE REVISAL OF 1905, RELATING TO THE STATE LABORATORY OF HYGIENE.

The General Assembly of North Carolina do enact:

Monthly examination of water sold in packages and spring waters.

SECTION 1. That section three thousand and fifty-seven of the Revisal of one thousand nine hundred and five shall be and is hereby amended as follows: After the word "State," in line eight,

change the period to a semicolon and add the words "of all waters sold in bottle or other package, and of all spring waters that are maintained and treated as an adjunct to any hotel, park or resort for the accommodation or entertainment of the public: *Provided*, that in the case of springs in connection with hotels, parks or resorts intermittently operated, examinations of the water shall be made monthly during the period only that they are open for the accommodation or entertainment of the public: but if upon the examination of the water of any such spring it shall be found to be infected or contaminated with intestinal bacilli or other impurities dangerous to health, examinations shall be made weekly until its purity and safety are shown." After the word "people," in line twenty-one, insert the following: "*Provided*, that the said annual tax for waters from springs or wells sold in bottle or otherwise shall be as follows: For springs or wells, the gross annual sales from which for the previous calendar year are less than two thousand dollars and more than one thousand five hundred dollars, fifty dollars; less than one thousand five hundred dollars and more than one thousand dollars, forty dollars; less than one thousand dollars and more than five hundred dollars, thirty dollars; less than five hundred dollars and more than two hundred and fifty dollars, twenty dollars; and less than two hundred and fifty dollars, fifteen dollars; and for any spring maintained and treated as an adjunct to any hotel, park or resort for the accommodation and entertainment of the public, fifteen dollars, and an additional tax for water sold in bottle or other package from said spring in accordance with the above schedule. Every corporation, firm or person selling water in the manner set forth in this proviso shall file with the treasurer of the State Board of Health, within sixty days after the passage of this act and annually thereafter, in the month of January, an affidavit as to the gross amount received from sales of water for the previous calendar year, and upon this affidavit the tax for the current year shall be based. Failure to so file said affidavit within the time prescribed shall subject said corporation, firm or person so failing to file said affidavit to double tax for the current year. Failure to transmit sample within five days after receipt of sterilized bottle or container from the Laboratory of Hygiene shall be a misdemeanor, and upon conviction shall subject the delinquent to a fine of five dollars. Transportation charges, by mail, shall be paid by the sender; by express, by the laboratory. When deemed advisable, the said Laboratory of Hygiene shall analyze samples purchased by it in the open market in lieu of those sent direct from the spring." Beginning with the word "said," in line twenty-one, strike out the remainder of the section and insert in lieu thereof the following: "The said tax shall be collected quarterly by the sheriff, as other taxes, and shall be paid by said sheriff directly to the treasurer of the State Board of Health. The printing and stationery necessary for the labora-

Proviso: examination of spring waters during season.

Examinations weekly of waters found infected.

Proviso: tax on sales of water.

Tax on springs adjunct to resorts.

Affidavit of sales.

Double tax for failure to file affidavit.

Failure to transmit sample misdemeanor. Punishment.

Transportation.

Samples purchased in open market.

Collection and payment of tax.

Printing and stationery.

Nonresidents selling water to obtain license.	tory shall be furnished upon requisition upon the State Printer." And add the following: "Any person, firm or corporation not a citizen of the State of North Carolina who shall sell or offer for sale any water in bottle or other package for consumption by the people of the State of North Carolina shall obtain a license from the treasurer of the State Board of Health and shall pay for said
License fee.	license the sum of sixty-four dollars per annum, or a less amount, equal to the tax paid by springs of the same class within the State, upon compliance with the conditions applying to them, payable in advance: <i>Provided</i> , that satisfactory evidence of purity furnished by the State hygienic laboratories of other States agreeing to reciprocate in this matter with this State shall be accepted in lieu of the said license tax."
Proviso: evidence of purity.	
Publication as to water found dangerous to health.	SEC. 2. If water sold by any person, firm, corporation or municipality shall be discovered by three successive analyses made by the State Laboratory of Hygiene to be dangerous to the public health, publication of that fact shall be made in the monthly bulletin of the State Board of Health. The result of said analyses shall be immediately forwarded by mail to the person, firm, corporation or municipality selling the water so analyzed. When upon subsequent analysis the water shall be found to be no longer dangerous to health, a certificate thereof shall be furnished the person, firm, corporation or municipality offering the said water for sale, and publication of the fact shall be made in the said monthly bulletin: <i>Provided</i> , that this act shall not apply to therapeutic waters so medicated as to render them sterile, the question of their sterility to be decided by the director of the State Laboratory of Hygiene.
Result of analyses forwarded to seller of water.	
Certificate and publication after water purified.	
Proviso: therapeutic sterilized waters.	

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 809.

AN ACT AUTHORIZING AND EMPOWERING THE COMMISSIONERS OF HAYWOOD COUNTY TO PURCHASE A CLOCK FOR THE COURTHOUSE.

The General Assembly of North Carolina do enact:

Purchase ordered. SECTION 1. That the commissioners of Haywood County shall purchase a suitable and creditable clock, to be placed in the dome of the courthouse in the town of Waynesville, Haywood County, and the same shall be paid for out of the general fund.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 810.

AN ACT TO AMEND SECTION 3769, REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and sixty- Law extended.
nine, Revisal of one thousand nine hundred and five, be and the
same is hereby amended by adding at the end thereof the word
"Mitchell."

SEC. 2. That all laws and parts of laws in conflict with this act
are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 811.

AN ACT TO PROTECT GROWING CROPS IN RICHLAND
TOWNSHIP, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any landowner or duly Killing of birds,
authorized agent of any landowner in Richland Township, Beau- squirrels and rac-
fort County, to kill any birds, squirrels or raccoon when the same coons destroying
are found destroying any growing crops: *Provided*, this act shall crops legalized.
be construed to only allow such killing within the boundaries of Proviso: killing
the lands actually in cultivation. to be on land
actually in culti-
vation.

SEC. 2. All laws and clauses of laws in conflict with this act
are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its
ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 812.

AN ACT TO AMEND SECTION 2798 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety- Law extended.
eight, Revisal of one thousand nine hundred and five, be amended
by inserting after the word "Gates" and before the word "and," in
line eleven, the following: "Wilkes."

SEC. 2. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 813.

AN ACT TO REGULATE PAY OF JURORS FOR DARE COUNTY.

The General Assembly of North Carolina do enact:

- All jurors.
- SECTION 1. That the regular jurors for the Superior Court of Dare County and all special veniremen and tales jurors in said county shall be paid the sum of two dollars per day for each day's service and the mileage already provided by law.
- SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- SEC. 3. This act shall be in force from and after its ratification.
- Ratified this the 8th day of March, A. D. 1909.

CHAPTER 814.

AN ACT AUTHORIZING THE COMMISSIONERS OF NASH COUNTY TO ISSUE BONDS FOR CASTALIA TOWNSHIP FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF A RAILROAD TO CASTALIA.

The General Assembly of North Carolina do enact:

- Purpose of bond issue.
- Bond issue authorized.
- Amount.
- Interest.
- Denominations.
- Maturity.
- Authentication.
- SECTION 1. That for the purpose of raising money to be donated to some person or persons, firm or corporation who will build, construct, maintain and operate a railroad from some point on the Nashville and Spring Hope branch of the Atlantic Coast Line Railroad Company or from some point on the Seaboard Air Line Railway Company between the town of Henderson, North Carolina, and Littleton, North Carolina, to the town of Castalia, in Castalia Township, Nash County, North Carolina, the commissioners of Nash County are hereby authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, payable at such time and place as they may designate. Said bonds shall bear not exceeding six per cent interest per annum, which interest shall be payable annually and which bonds shall have coupons attached thereto for the amount of interest thereon for each year they have to run. The said bonds shall be in denominations and form as shall be determined upon by the said board of county commissioners, and shall mature and be made payable in not less than ten years nor more than thirty years from the date of their issue, and shall be signed by the chairman of the board of county commissioners and countersigned by the

clerk of the board, and the said clerk shall keep a record of the number and amount of each class of bonds issued, the date of issue, when the same matures, and to whom payable. Record of bonds.

SEC. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds nor their proceeds be used for any purpose other than the purpose mentioned in this act. Bonds not to be sold below par. Specific appropriation.

SEC. 3. That for the purpose of providing for the payment of the annual interest on said bonds, as well as the redemption of the same at their maturity, the said Board of County Commissioners of Nash County shall, annually, at the time of levying other county taxes, levy and lay a special and particular tax on all persons, property and subjects of taxation which now are or may hereafter be subject to taxation under the laws of North Carolina, sufficient to meet the annual accruing interest on said bonds and to create a sufficient sum, to be known as a sinking fund, to be applied to the redemption of said bonds at or before their maturity; and that in the levying of the said tax a sufficient amount shall be levied each year, in addition to the amount levied to meet the annual accruing interest on said bonds, so at the maturity of the said bonds the said sinking fund, with whatever interest the same may have earned, shall be sufficient for the payment and redemption of said bonds. In the levy of the said special taxes on the property and poll the constitutional equation shall be adhered to, and shall apply only to Castalia Township, in the county of Nash. The taxes provided for in this section shall be collected in the same manner and at the same time as the other taxes in the said township are collected, and shall be accounted for and kept separate and apart from the other county taxes, and shall be applied exclusively to the purposes for which they are collected. The commissioners may charge this fund with the expense of making out the said special tax list and the cost of collecting the same. Special tax.
Constitutional equation.
Collection of taxes.
To be kept separate. Specific appropriation.
Expense charged to fund.

SEC. 4. That upon the petition of one-fourth of the qualified voters of Castalia Township the Board of County Commissioners of Nash County, at any time after thirty days from and after the ratification of this act, shall order an election to be held in said township, on a day to be designated and fixed in the petition asking for the election, giving thirty days' notice preceding said election, and in said notice giving the time when and place where said election shall be held, the object and purpose of this act, and publishing said notice once a week for four consecutive weeks immediately preceding said election in some newspaper published in Nash County; that previous to said election an entire and new registration shall be had of the voters in the said township; that the said registration and election shall be conducted under the same rules and regulations as registration and elections are con- Petition for election.
Election to be ordered.
Notice of election.
New registration.
Law governing election.

Votes.	ducted for the election of members of the General Assembly of North Carolina. Those qualified voters who approve the provisions of this act shall vote "Issue," and those who do not approve its provisions shall vote "No Issue." If it shall appear from the returns of said election that a majority of the qualified voters of the said township have voted for "Issue," then the commissioners of the said county shall issue the said bonds; but if it shall appear from the returns of said election otherwise, then they shall not issue them.
Use of proceeds of bonds.	SEC. 5. That when the said bonds are issued and sold, the commissioners of the said county, or a committee appointed by them, shall use the proceeds, by gift or otherwise, in aiding some person or persons, firm or corporation who will give a good and sufficient guarantee to said commissioners that he, they or it will construct, maintain and operate a railroad to the town of Castalia from some point on the Atlantic Coast Line Railroad at or between Nashville, North Carolina, and Spring Hope, North Carolina, or from a point on the Seaboard Air Line Railroad between Henderson, North Carolina, and Littleton, North Carolina: <i>Provided</i> , in donating the same, they require a sufficient guarantee that the said railroad will be constructed, maintained and operated, giving both freight and passenger service, for such a period of time as the commissioners may fix: <i>Provided, however</i> , that such bonds shall express on their face that no part of the property or revenue of the county of Nash shall be liable for the principal or interest of said bonds, except the property of Castalia Township, as above provided; and <i>Provided further</i> that said bonds, nor any of them, nor the proceeds thereof, shall be donated to the person or persons, firm or corporation, as herein provided for, until the person or persons, firm or corporation to whom said bonds or their proceeds are to be donated shall have acquired, by proper deed, rights of way for said railroad through Castalia Township and shall have graded and made ready for the laying with cross-ties and rail the roadbed of the same.
Proviso: guarantee to be given.	
Proviso: bonds to express limitation of liability.	
Proviso: work to be done before donation.	
Township incorporated.	SEC. 6. That for the purpose of this act, Castalia Township is hereby declared a body politic and corporate, and is vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act, and the county commissioners are declared to be the corporate agents of Castalia Township, so incorporated.
Corporate agents.	SEC. 7. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.
	SEC. 8. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 815.

AN ACT TO AMEND SECTION 3733 OF THE REVISAL OF
1905, IN REGARD TO PUBLIC DRUNKENNESS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand seven hundred and thirty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding in line four of said section, after the word "Jackson" and before the word "Ashe," the word "Swain." Law extended.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 816.

AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY INTO TWO
CLASSES.*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election to be held in the year one thousand nine hundred and ten there shall be elected in the county of New Hanover by the duly qualified voters thereof five members of the board of county commissioners, divided into two classes, three of whom shall compose one class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and ten, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine hundred and twelve, and two of whom shall compose another class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and ten, and expire four years thereafter, or on the first Monday in December, one thousand nine hundred and fourteen; that upon the expiration of the term of office of both classes of said commissioners their successors shall be elected to hold office four years and until their successors are elected and qualified. Election of county commissioners in 1910.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed. Terms of three commissioners.

SEC. 3. That this act shall be in force from and after its ratification. Terms of two commissioners.

Ratified this the 8th day of March, A. D. 1909. Terms of successors.

CHAPTER 817.

AN ACT TO ESTABLISH A REFORMATORY OR MANUAL-TRAINING SCHOOL FOR THE DETENTION AND REFORMATION OF THE CRIMINAL NEGRO YOUTH OF THE STATE.

Preamble.

Whereas it appears to this General Assembly that there are in this State many negro youths between the ages of seven and fourteen years who violate the criminal law, and that while such youths should be detained and punished and taught the doctrines of religion, good morals and how to work, it would be to the best interest of such youths and expedient that they be not associated with older and more hardened criminals, but that they should be kept separate therefrom:

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Miss Nannie A. Foulks, Mrs. Susie B. Dudley, Mrs. Pattie G. Shepherd, Mrs. Ophelia G. Griffin and Mrs. L. B. Dellinger and sixteen others, to be chosen from the sixteen State

Corporate name.

judicial districts, trustees, and their successors, be and they are

Corporate rights.

hereby incorporated under the name and style of the Foulks Reformatory and Manual-training School, by which name they may sue and be sued, plead and be impleaded, hold, use and sell and convey real estate, receive gifts and donations and appropriations, and do all other things necessary and requisite for the purposes of its organization, as hereinafter specified.

Power to purchase land.

SEC. 2. That the said trustees are empowered to purchase, at some suitable and convenient point in this State, not less than twenty-five acres nor more than five hundred acres of land, whereon to erect and operate a school for the training and moral and industrial development of the criminally delinquent negro children of the State; and when such school shall have been organized the said trustees may in their discretion receive therein such delinquent and criminal children under the age of fourteen years as may be sent or committed thereto under any order or commitment by the judges of the Superior Courts or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain and control them during their minority or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by said trustees.

Children to be received on organization of school.

Keeping, maintenance and control of children.

Objects of expenditure of moneys received.

SEC. 3. That all moneys received by said trustees, by private gifts, donations or otherwise, shall be expended in the establishment, operation and maintenance of the school for the training and the moral and industrial development of such delinquent children and in securing homes for them; and in case the said trustees receive or are allowed any State aid for said school it shall

Accounts and reports if aided by state.

be their duty to duly account for all moneys so received by them and to make report of the manner of its expenditure and of the work done by them, as hereinafter more particularly provided for.

SEC. 4. That there shall be established and conducted on such lands as may be owned in connection with said school such agriculture, horticulture, workshops and other pursuits as said board of trustees may deem expedient, so as to keep regularly at work all able-bodied inmates. Establishments for working.

SEC. 5. That all inmates shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and to be industrious. Matters to be taught.

SEC. 6. That the trustees herein named and the sixteen other persons shall be divided into three classes: Classes and terms of trustees.

(1) Miss Nannie A. Foulks and Mrs. Susie B. Dudley, to serve for six years.

(2) Mrs. L. B. Dellinger and Mrs. Ophelia G. Griffin, for four years.

(3) Mrs. Pattie G. Shepherd, to serve for two years.

At the expiration of the terms of office of each class of said trustees, if the State shall at such time be appropriating to the support of the said institution a sum of not less than five thousand dollars per annum, the Governor shall have the right to fill by appointment two of the vacancies so occurring, and the board to fill the other three by election of such persons as they may see fit, and all vacancies in said board shall continue to be filled in the above manner; but in case the State shall refuse to appropriate at least the aforesaid sum, then the State shall forfeit all rights to appoint any trustees or require any account of statements as herein provided, and said school shall then be governed by the general laws applicable to charitable institutions of like character not receiving State appropriations, and said board may fill all vacancies therein by election. If, however, the General Assembly shall at its present session of one thousand nine hundred and nine vote an appropriation to said school, then it shall be the duty of the Governor to call, not later than the first day of September, one thousand nine hundred and nine, a meeting of the trustees herein named, at his office in Raleigh or at such place as he shall designate, and at such meeting the said trustees shall proceed to the election of a treasurer, superintendent for said school and such other officers for said board and said school as they deem proper. The twelve other trustees not herein selected shall be selected in the following manner: If the General Assembly shall make an appropriation to said school the said sixteen other trustees shall be selected by the Governor from said sixteen judicial districts, by and with the advice of the five trustees herein named; but if the General Assembly shall refuse to vote such appropriation, then the five trustees herein named shall have the power and right to select the said eleven other trustees. Appointment of successors if state makes appropriation.

Meeting to be called if state makes appropriation.

Organization.

Selection of additional trustees.

Treasurer and
superintendent
to give bond.

SEC. 7. That the treasurer and superintendent shall, before receiving any of said funds, make a good and sufficient bond, payable to the State of North Carolina, in such sums as may be named by the Governor and approved by the State Treasurer.

Powers of
trustees.

SEC. 8. That the said board of trustees shall have the management and control of said school, and shall have authority to employ a superintendent and such other assistants as they may deem necessary, to fix their salaries, to define their duties, to discharge any employees and to make any and all rules and regulations as they may deem necessary for the management and conducting said reformatory under the provisions of this act and not inconsistent therewith.

Powers of super-
intendent.

SEC. 9. That the superintendent employed by the said board shall have the right and is hereby authorized to require obedience from all the inmates of said school, and is hereby entrusted with the authority for correcting and punishing any inmate thereof, to the same extent as a parent may under the law impose upon his own child, and the said trustees shall have the right to discharge at any time said superintendent for cause.

Governor to visit
reformatory.

SEC. 10. That it shall be the duty of the Governor of the State to visit said reformatory at least once in each year, and oftener if he deem it necessary, and to make such suggestions to said board of trustees as he may deem wise and for the best interests of the said school or reformatory; and the said reformatory shall be at all times under the visitorial jurisdiction of the Board of Public Charities of the State of North Carolina.

Jurisdiction of
board of public
charities.

Governor to make
proclamation.

SEC. 11. That it shall be the duty of the Governor, when said reformatory or school is ready to receive inmates, to make proclamation thereof, and the judges of the Superior Courts, recorders or other presiding officers of the city or criminal courts of this State shall have authority and in their discretion to sentence to said school all persons under the age of fourteen years convicted upon indictment in any court of this State of any violation of the criminal laws: *Provided*, that such judge shall be of the opinion that it would be best for such person and the community in which such person may be convicted that such person should be so sentenced.

Judges authorized
to sentence
offenders
to school.

Proviso: sentence
discretionary.

Transfers from
prisons.

SEC. 12. That the Governor of the State may by order transfer any person under the age of fourteen years from any jail, chain-gang or penitentiary in this State to said reformatory.

Inmates trans-
ferred to prisons.

SEC. 13. That in event that it shall appear to said board of trustees that any inmate of said school is or becomes ungovernable and is exerting an unwelcome influence over any other inmate, it shall be their duty to certify the same to the Governor of the State, and he may order such inmate to the State's Prison or to the jail or chain-gang in the county in which such inmate was convicted, where such person shall serve out his unexpired term.

SEC. 14. That the officers of said school shall receive and take Duty of officers.
 into it all children committed thereto by competent authority or
 received therein as aforesaid, and shall cause all such children
 in said school to be instructed in such rudimentary branches of
 useful knowledge as may be suited to their various ages and
 capacities. The said children shall be taught such useful trades Children to be
 and given such manual training as the board may direct; and taught trades.
 such children shall perform such manual labor as the principal or Manual labor.
 other superintending officers, subject to the direction of said
 board, may order.

SEC. 15. That the board of directors shall select a suitable place, Location.
 outside of and away from any city, town or village, for the loca-
 tion of said school upon the amount of land hereinbefore provided
 for.

SEC. 16. That there shall be a joint committee of two members Joint committee
 from the Senate and three from the House appointed to investi- to investigate
 gate the best and most approved methods of establishing and establishment and
 conducting said reformatory and a manual-training school, and management of
 said joint committee shall file with the Governor their report, contain- reformatory.
 ing the result of their investigations and such recommendations. Report and
 as they may see fit to make, not later than September first, one recommendations.
 thousand nine hundred and nine. The members of said committee
 shall be allowed a per diem of four dollars and mileage not ex- Allowance to
 ceeding five cents per mile each way from their homes to the place committee.
 or places of meeting of such committee: *Provided*, that such time Limit.
 of service be limited to ten days.

SEC. 17. Be it further enacted that said board of directors shall Priority of
 first establish and maintain such departments of said manual- establishment of
 training school as shall be adapted to the use of such class of departments.
 boys as in the discretion of the board shall be most in need of
 such care and training and will probably be most benefited
 thereby. Any commitment under this act, whether by judge, court, Commitments
 parent or other persons having in charge the child, shall be full, authority for
 sufficient and competent authority to the officers and agents of detention.
 said school for the detention and keeping therein of the child so
 committed.

SEC. 18. Be it further enacted that the male and female sexes Sexes kept
 be kept in separate apartments or buildings. separate.

SEC. 19. Be it further enacted that nothing contained in this act Proviso: power of
 shall be construed to prevent the General Assembly from altering, general assembly.
 changing and modifying the law and regulations governing said
 school and its officers and directors in such manner and at such
 time as to it may seem best.

SEC. 20. That this act shall be in effect from and after its ratifi-
 cation.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 818.

AN ACT TO AMEND CHAPTER 432 OF THE PUBLIC LAWS OF 1907, ENTITLED "AN ACT PROVIDING FOR THE BETTER CONSTRUCTION AND KEEPING IN REPAIR THE PUBLIC ROADS OF WAYNE COUNTY."

The General Assembly of North Carolina do enact:

Amount of bond issue.	SECTION 1. That section one of chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out, in line eight of said section one, the words "two hundred and fifty thousand dollars" and inserting in lieu thereof the words "two hundred thousand dollars," and by adding at the end of said section one the following subsections as subsections (a), (b), (c) and (d):
Law governing election.	"Subsec. (a). That the election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: <i>Provided, however,</i> that said board of county commissioners shall appoint the registrars of election and judges and inspectors of election and any other election officers; that the registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and said county commissioners may or may not order a new registration for said election. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the second day after said election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other record and declaration of the result of said election shall be necessary.
Proviso: appointment of election officers.	
Count and return of vote.	
Canvass of returns.	
Ballots.	"Subsec. (b). 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.'
Bond issue ordered by majority of voters.	"Subsec. (c). 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 Wayne County are hereby authorized and empowered to issue bonds of said Wayne County in an amount not exceeding the said sum of two hundred thousand
Amount.	

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 semiannually 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 sold by said board of commissioners at a rate not less than par, and the principal of said bonds shall be payable thirty-five years from the date of their issue.

Denomination.
Interest.

Bonds not to be sold below par.
Maturity.

"Subsec. (d). 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, all the moneys thereafter collected under section twelve of said chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven shall be used for the purpose of paying, first, the interest of said bonds, and, second, to provide a sufficient sinking fund to pay the principal of said bonds as they become due."

Appropriation for interest and sinking fund.

SEC. 2. That section three of said chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: By striking out, in line two of said section, the name "Joseph Rosenthal" and inserting in lieu thereof the name "George C. Royall"; by striking out, in line four of said section, the name "C. A. Copeland" and inserting in lieu thereof the name "W. A. Copeland"; by striking out, in lines seven and eight of said section, the name "O. F. Worrell" and inserting in lieu thereof the name "O. J. Howell"; by striking out, in line ten of said section, the name "James Thompson" and inserting in lieu thereof the name "J. M. Wood"; by striking out, in line eleven of said section, the name "W. J. Patrick" and inserting in lieu thereof the name "C. F. Herring"; by striking out, in line fourteen of said section, the name "J. M. Mitchell" and inserting in lieu thereof the name "James Edwards."

Supervisors named.

SEC. 3. That section four of said chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out, in line three of said section, the word "eight" and inserting in lieu thereof the word "ten."

Time of election of supervisors.

SEC. 4. That section eight of said chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out the words "fifth of March," in the fourth line of said section, and inserting in lieu thereof the words "third of July," and by striking out, in the fifth line of said section, the word "seven" and inserting in lieu thereof the word "nine."

Time for meeting of supervisors.

Time for qualification. SEC. 5. That section nine of said chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: By striking out, in line two of said section, the word "eight" and inserting in lieu thereof the word "ten."

Tax rate. SEC. 6. That section twelve of chapter four hundred and thirty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: That the word "less," in line seven, be stricken out and the word "more" inserted in lieu thereof; that all after the word "ten," in line seven, to the word "cents," in line eight, be stricken out; that the word "less," in line nine, be stricken out and the word "more" inserted in lieu thereof; that all after the word "cents," in line nine, to the word "on," in line ten, be stricken out.

SEC. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 819.

AN ACT RELATING TO THE CONSTRUCTION OF A PUBLIC ROAD IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Petition for construction of road.

SECTION 1. That upon the presentation to the board of commissioners for the county of Tyrrell of a petition or petitions, signed by as many as one-third of the qualified voters of Tyrrell county, asking for the laying out and construction of a public road from some point on the Kilkenny public road to some point on the Gum Neck Road to be designated in said petition, it shall be lawful for and the duty of said board of commissioners to order an election to be held at all the polling places in said county, within three months from the time of ordering said election, to determine whether the public road above mentioned shall be laid out and constructed, and whether the tax hereinafter provided for shall be levied and collected. Said election shall be held, as near as may be, as elections are now held for electing members of the General Assembly, and the expense thereof shall be paid by the said board of commissioners; and at said election those in favor of laying out and constructing said road shall vote a ballot on which there shall be written or printed "For Road," and those opposed thereto shall vote a ballot with "Against Road" printed or written thereon.

Election to be ordered.

Question to be determined.

Law governing election.

Expense of election. Ballots.

Road to be laid out and constructed.

SEC. 2. In the event a majority of the qualified voters of Tyrrell County shall vote "For Road," it shall be lawful for and the duty of the said board of commissioners to have laid out and constructed a public road between points named in the petition or

petitions aforesaid as quickly as the same can be done with the funds provided for in this act, and shall do all things necessary to accomplish this; and in case of inability to acquire right of way for said road, by gift or by purchase, at a price deemed fair, they shall have and exercise all the rights of condemnation granted to them and exercised by them in the laying out and constructing roads under the laws relating thereto contained in the revised statutes of one thousand nine hundred and five and the amendments thereto.

SEC. 3. That at the regular tax-levying time succeeding said election, if a majority of the qualified voters of said county shall have voted "For Road," the said board of commissioners of said county shall levy a tax of four cents on each one hundred dollars' worth of property and of twelve cents on each taxable poll, or so much thereof as may be necessary, and each succeeding year until said road shall be laid out, constructed and paid for.

SEC. 4. The superintendent of the State's Prison is authorized and empowered to work convicts on said road, if requested so to do by the board of commissioners for the county of Tyrrell, at a price to be agreed upon, but not exceeding the actual cost of supporting and guarding said convicts.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 820.

AN ACT TO PROVIDE FOR THE CLEANING-OUT OF THE HEAD OF PUNGO RIVER, DIGGING A CANAL FOR THE DRAINAGE OF THE LAND AROUND THE HEAD OF SAID RIVER AND ON EITHER SIDE OF SAME, AND BUILDING A PUBLIC ROAD FOR THE BENEFIT OF THE PEOPLE LIVING AT THE HEAD OF SAID RIVER AND ON EITHER SIDE.

Whereas the pressure of water from the swamps around the head of Pungo River is greater than the said river, in its present condition, can carry off; and whereas the cleaning of said river from the Norfolk and Southern Railroad to a point below Indian Run, and digging a canal from thence to some point in Pantego Creek below the town of Pantego, or to some point in Cuckler's Creek, would greatly relieve the pressure of water; and whereas the health of the section immediately surrounding the head of said river and either side of same would be greatly improved and the interest of the farmers who own land on either side of said river or who drain therein would be materially promoted; and whereas

Preamble. the public roads leading from the head of said river are almost impassable; and whereas Mr. W. D. Morrison, of the head of Pungo River, offers to excavate a canal thirty-five feet wide, six feet deep, from the head of Pungo River, beginning at the Norfolk and Southern Railroad, and from thence with the depression or basin of the river swamp to Indian Run, and from thence to Pantego or Cuckler's Creek, as may be determined by the drainage experts from the Department of Agriculture, whose services the hereinafter-mentioned drainage committee shall secure, and to build a public road on the westward bank of said canal for the sum of two dollars per acre for each acre within two and one-half miles of the head of said river and two and one-half miles of either side thereof to within one mile of either creek, which land is already drained: now, therefore, to provide for the improvements mentioned,

The General Assembly of North Carolina do enact:

Appointment of drainage commissioners.	SECTION 1. That the board of commissioners of the counties of Beaufort, Hyde and Washington shall, at their session held in the month of May, one thousand nine hundred and nine, and each year thereafter until aforementioned improvements are completed, appoint each one discreet freeholder, who, acting together, shall be known as the Pungo River Drainage Committee. The aforesaid drainage committee shall secure the services of a competent surveyor, who shall assist them in determining the number of acres which are taxable under the provisions of this act, who are the owners of said land, and the number of acres of land owned by each person or corporation. The said drainage committee shall have power to purchase such real estate as may be necessary for the purposes of this act; shall have power of eminent domain for the purpose of condemning the necessary rights of way for said canal and road; shall have power to issue bonds, to be based on their finding relative to the number of acres taxable under this act: <i>Provided</i> , the entire issue of bonds shall not exceed twenty cents per acre for ten years. Said Pungo River Drainage Committee shall exercise such other corporate powers as may be necessary to carry out the provisions of this act.
Official title. Surveyor.	
Determination of acreage.	
Powers of drainage committee.	
Power to issue bonds.	
Proviso: limit of amount. Other corporate powers.	
Meetings of committee.	SEC. 2. That the said committee shall meet on the second Monday in each month, at such place as may be decided upon at their first regular meeting, which shall be held at the head of Pungo. Said committee may call such special meetings as they may deem necessary for the interest of this act. Two of said committee shall constitute a quorum. Said committee may employ a secretary who is not a member of the committee. The said committee shall, immediately after qualifying, issue one thousand dollars in bonds to defray the expenses of the said committee or any other expenses incident to carrying out the provisions of this act. The one thousand dollars so issued shall be included in the first issue of bonds
Special meetings.	
Quorum.	
Secretary.	
Bond issue for expenses.	

hereinafter provided for. The proceeds of said one thousand dol- Deposit of pro-
 lars in bonds shall be deposited with the Treasurer of Beaufort ceeds.
 County and shall be paid out upon the order of the chairman of Orders for money.
 the said drainage committee, after being endorsed by the chairman
 of the county commissioners of said county.

SEC. 3. That the said drainage committee shall make return of Returns of
 the number of acres of land in each county which is taxable under acreage.
 this act to the commissioners of the county in which said land is
 situated, together with a map and description sufficient for the
 identification of the same, the names of the owners thereof, the
 amount of taxes assessed against each acre, which shall be twenty
 cents per acre for a term of ten years, beginning in one thousand
 nine hundred and twelve and continuing for a term of ten years,
 but no longer, and shall affix an affidavit in the following words:
 "Subscribed and sworn before me, a justice of the peace. We, the Affidavit.
 drainage committee appointed to assess the lands in the county of
 to be benefited by the cleaning out of the head of
 Pungo River, and the cutting of a canal from said river to some
 point in Pantego or Cuckler's Creek, and the building of a public
 road on the side thereof, make oath that the foregoing report con-
 tains, to the best of our knowledge and belief, all the lands subject
 to taxation under chapter of the Laws of North Carolina, one
 thousand nine hundred and nine." That the boards of commission- Copies of report.
 ers of the counties of Beaufort, Hyde and Washington shall cause
 to be made out two copies of the report of said drainage committee
 while acting as appraisers for each of their respective counties, as
 found by them and attested to by them. One of the said copies Copy to be filed.
 shall remain in the office of the clerk of the board of commission-
 ers in each of the counties; the other copy shall be delivered to the Copy delivered to
 sheriff or tax collector in each of the said counties. The sheriff sheriff.
 shall receipt for the same. The clerk to the board of county com- Order for collec-
 missioners in each of the said counties shall, at their meeting held tion of taxes.
 on the first Monday in June, in the year one thousand nine hun-
 dred and eleven, endorse on the copy given to their respective
 sheriffs an order to collect the taxes therein mentioned, and such
 order shall have the effect of a judgment and execution against
 the land charged in said list.

SEC. 4. That the compensation of the Pungo River Drainage Compensation of
 Committee shall be the same per day while engaged in listing and commissioners.
 ascertaining the number of acres taxable, or any other work which
 it may become their duty to perform, as is allowed list takers
 under the present Machinery Act, except there shall be no mileage.

SEC. 5. That the said drainage committee shall avail themselves Drainage experts.
 of the services of the drainage experts for the Department of Work of experts.
 Agriculture, who shall make the necessary surveys, take the differ-
 ent levels and decide if such cleaning and canalling and road build-
 ing is necessary, and, if they find the same necessary, shall lay out

the line for said work, establish bench marks and decide who will be damaged, if any, and in what sum said person is damaged thereby.

Work to be found feasible. SEC. 6. That immediately upon the decision of the engineers from the Department of Agriculture that the drainage of said land is feasible, and upon the aforesaid W. D. Morrison furnishing a satisfactory bond for the cleaning out of said river, digging said canal and building said road, the aforesaid drainage committee shall issue and deliver to the said W. D. Morrison bonds to the amount of two dollars per acre for each acre of land taxable under this act, less the one thousand dollars which the aforesaid committee are required to deposit with the Treasurer of Beaufort County to defray the expenses necessary to carrying out the provisions of this act. That the said bonds shall be issued as follows: The first series, one-tenth maturing March the fifteenth, one thousand nine hundred and twelve, and one-tenth each year for ten years following. That the aforesaid tax of twenty cents per acre shall retire these bonds each year as they mature or become due.

Duties of sheriff. SEC. 7. That the duties and powers of the sheriffs in the collection of these taxes shall be the same as those prescribed for the collection of taxes under the present Machinery Act; that the sheriff shall be paid one-half as much for collecting and the treasurer shall be paid one-half as much for receiving and paying out these taxes as they are allowed under the present Machinery Act; that the sheriffs and treasurers of the aforesaid counties shall be responsible on their official bond for the proper disbursement of the aforesaid taxes, and subject to the same penalties, under the general law for the collection of taxes, for any default in the duties prescribed under this act. The members of the Pungo River Drainage Committee shall each give bond in the sum of one thousand dollars for the faithful performance of their duties under this act.

Payment in full. SEC. 8. That from the first of September, one thousand nine hundred and nine, to the first of March, one thousand nine hundred and ten, any landowner, upon the tender of one dollar and eighty cents for each acre of land as assessed by the drainage committee and returned to the county commissioners of his county, under oath, may demand a receipt in full for all taxes or assessments against the property assessed by the hereinbefore-mentioned drainage committee, and such lands shall no longer be in any way subject to a tax under this act.

Lands released. Contractor to give bond. SEC. 9. That the aforesaid W. D. Morrison shall be required to give a satisfactory bond for completion of the above-mentioned improvements within two years from the delivery of the aforementioned bonds to the said W. D. Morrison.

Election to be called. SEC. 10. That the county commissioners of the counties of Beaufort, Hyde and Washington shall, on the first Monday in April, one thousand nine hundred and nine, call a joint election to be

held at the head of Pungo on the thirtieth day of April, one thousand nine hundred and nine, each respective board appointing one discreet freeholder, and the Board of Commissioners of Beaufort County shall appoint one discreet freeholder as registrar to hold the polls. The aforesaid registrar shall administer the following oath to each candidate for registration: "You do solemnly swear that you own land or would be affected by the tax voted on the drainage district by this election." Said registrar shall hold the registration books open at the head of Pungo on the tenth, seventeenth and twenty-fourth days of April. The commissioners of the counties of Beaufort, Hyde and Washington shall give notice of the said election at four public places within the said territory herein provided for, and shall provide ballots with the words "For Canal" and "Against Canal" written or printed thereon, and further provide a box in which the said ballots are to be deposited. If a majority of the qualified voters vote or cast ballots with the words written or printed thereon "For Canal," then this act shall be in full force and operation; but if a majority of the qualified voters under this act cast ballots with the words "Against Canal," then this act shall be without force and operation. That the said three poll holders and registrar shall, at sunrise on the day of election named, open said polls and keep them open until sunset of the same day, and when said ballot is deposited shall write the name of the voter in a book provided for the purpose. At sunset the polls shall be closed and the poll holders shall count the said ballots in the presence of as many people as may desire to be present, and shall certify the votes so cast to the register of deeds of the counties of Beaufort, Hyde and Washington. The said registers of deeds shall file away in their offices the said certificates.

Place and date of election.
Judges of election.
Registrar.

Oath of voters.

Registration.

Notice of election.

For Ballots.

Ballot box.

Effect of election.

Hours of voting.

Poll books.

Count and return of votes.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 821.

AN ACT TO REPEAL CHAPTER 389, PUBLIC LAWS OF 1903,
SO AS TO INCLUDE J. A. STAMPER AND HIS FARM IN
WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-nine, Public Law repealed. 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.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 822.

AN ACT TO AMEND CHAPTER 674 OF THE PUBLIC LAWS
OF 1907.*The General Assembly of North Carolina do enact:*

Date of marriage. SECTION 1. That section one, chapter six hundred and seventy-four of the Public Laws of one thousand nine hundred and seven, be amended by striking out the word "April," in line eleven of said section, and inserting in lieu thereof the word "January," and by striking out the word "sixty-five," in the same line, and inserting in lieu thereof the word "sixty-eight."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 823.

AN ACT TO ABOLISH THE MARCH TERM OF THE SUPERIOR COURT OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

Term abolished. SECTION 1. That the March term of the Superior Court of Moore County, of the Eighth Judicial District, be and the same is hereby
Process returnable to April term. abolished, and all processes returnable to the said March term be made returnable to the April term next succeeding.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 824.

AN ACT FOR THE BETTER ENFORCEMENT OF THE GAME
LAWS IN CATAWBA AND MARTIN COUNTIES.*The General Assembly of North Carolina do enact:*

Law extended. SECTION 1. That the act of one thousand nine hundred and nine (Senate bill one thousand two hundred and thirty-four, House bill one thousand seven hundred and seventeen), relating to the better enforcement of the game law in North Carolina, be and the same is hereby made applicable to the counties of Catawba and Martin.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 825.

AN ACT TO AMEND SUBSECTION 1 OF SECTION 28 OF REVISAL OF 1905 OF NORTH CAROLINA, ABOUT EXECUTORS QUALIFYING.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection one of section twenty-eight of the Revisal of one thousand nine hundred and five be amended as follows: By adding to said section, after the words "not afterwards," the following: "*Provided, however,* that if any will of a nonresident of this State, making a devise or disposition of real estate situated in this State, shall have been executed according to the law of this State, and a copy of such will shall have been produced, proved and recorded by a clerk of the Superior Court of any county in this State wherein the real estate is situated, according to the law of this State, and the executor of said will has not intermeddled with the property conveyed in said will, the said executor shall be allowed to give a bond, payable to the State of North Carolina, in a penal sum of double the value of said property, for the faithful discharge of his duty as executor, after the expiration of one year after the death of the testator; and after giving such bond such executor shall have all the rights, powers and privileges rightfully belonging to the office of executor resident in this State; and *Provided further,* that no letters of administration shall have been issued in this State on said estate subsequent to the probate of said will in North Carolina.

Proviso: foreign executor allowed to give bond.

Proviso: letters of administration not issued.

SEC. 2. That this act shall be in full force and effect after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 826.

AN ACT FOR THE RELIEF OF THE JANITOR OF THE CAPITOL.

The General Assembly of North Carolina do enact:

SECTION 1. That the janitor at the Capitol shall receive one dollar per week for attending to and keeping clean the water-closets in the Capitol building.

Allowance.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 827.

AN ACT TO AMEND CHAPTER 457 OF THE PUBLIC LAWS OF 1907, RELATING TO THE ELECTION OF DIRECTORS OF CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter four hundred and fifty-seven of the Public Laws of one thousand nine hundred and seven, be amended by changing the colon after the word "persons," in line nineteen, to a period, and by striking out all of the remainder of said section, inserting in lieu thereof the following: "Any stockholder owning or controlling more than twenty-five per cent of all the stock of any such corporation shall have the same right to vote cumulatively as any other stockholder; and no amendment of the certificate of incorporation, charter or by-laws of any corporation which may be hereafter adopted or allowed shall have the effect of abrogating or abridging any right herein conferred: *Provided further*, that such right to vote cumulatively shall not be exercised unless some stockholder shall announce in open meeting, before the balloting or voting for directors, trustees or managers begins, his purpose to exercise such right, in which case each and every other stockholder may likewise vote cumulatively."

Right to vote cumulatively.

Proviso: announcement of purpose.

Pending litigation.

SEC. 2. That this act shall not affect pending litigation.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 828.

AN ACT TO AMEND CHAPTER 722, ACTS OF 1905, RELATING TO HOGS RUNNING AT LARGE IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and twenty-two, Public Laws of one thousand nine hundred and five, be amended by striking out the words "Nag's Head Life-saving Station," in section one of said chapter, and inserting in lieu thereof the words "Oregon Inlet."

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

Change of territory.

CHAPTER 829.

AN ACT TO AMEND CHAPTER 108 OF THE PUBLIC LAWS OF
THE EXTRA SESSION OF 1908, RELATIVE TO THE OPEN
SEASON FOR QUAIL HUNTING IN GREENE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eight of the Public Laws of the extra session of one thousand nine hundred and eight be amended as follows: Strike out "the first day of December," in line three of section one, and substitute therefor "the twentieth day of November."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 830.

AN ACT TO ALLOW THE PEOPLE OF CRAVEN COUNTY OR
THE PEOPLE OF THE SEVERAL TOWNSHIPS OF SAID
COUNTY TO VOTE BONDS FOR THE PURPOSE OF BUILD-
ING, AMENDING AND IMPROVING, BY MACADAMIZING
OR OTHERWISE, THE PUBLIC ROADS AND STREETS IN
SAID COUNTY AND TOWNSHIPS.*The General Assembly of North Carolina do enact:*

SECTION 1. Upon petition, signed by twenty-five of the qualified voters of Craven County, being presented to the board of commissioners of said county at any regular meeting of said board, it shall be the duty of the said board of commissioners and they are hereby directed to call an election in said county on the question of issuing bonds by said county for the purpose of building, amending and improving, by macadamizing or otherwise, the public roads in said county, and for macadamizing or otherwise improving the streets in the towns of said county; or, upon petition, signed by ten of the qualified voters of any one of the several townships in said county, being presented to the said board of commissioners as aforesaid, it shall be the duty of the said board of commissioners and they are hereby directed to call an election in such township on the question of issuing bonds by such township for the purpose of building, amending and improving, by macadamizing or otherwise, the public roads in such township, and for macadamizing or otherwise improving the streets in the towns situate in such township. The said petition shall state what roads are to be built, amended and improved, and what streets shall be improved with the money derived from the said bonds, and shall state the amount

Election by county
to be ordered on
petition.

Election by town-
ships to be ordered
on petition.

What petition to
state.

Proviso; limit of county issue.	of bonds to be voted and the term of years for which the same shall run, and the amount of interest to be paid: <i>Provided</i> , that authority shall not be given for the issuing of more than two hundred and fifty thousand dollars' worth of bonds by said county nor
Limit of township issue.	more than fifty thousand dollars' worth of bonds by any one township to be used by said county or township for such purpose, and they shall not run for more than thirty years from the issuing thereof, and shall bear no greater rate of interest than five per centum per annum, payable semiannually.
Limit of term.	
Limit of interest.	
County commissioners to order election. New registration.	SEC. 2. Upon the petition being filed, as set forth in the preceding section, it shall be the duty of the said board of commissioners to order the said election, and to also order a new registration of all voters within the said county or township, as the case may be, for the purpose of the said election, and shall appoint registrars and judges, which registrars and judges shall proceed to register the voters and hold the said election and count the votes cast thereat, under the same rules and regulations as prescribed by the general law for holding the election of members of the General Assembly of the State of North Carolina, which order of election shall be published at least once a week for four successive weeks preceding the said election in some newspaper in said county.
Registrars and judges. Law governing registration and election.	
Publication of order of election.	
Ballots.	SEC. 3. At the said election those who are in favor of bonds shall cast a ballot upon which shall be plainly written or printed the words "For Good Roads," and those who are opposed to bonds shall cast a ballot upon which shall be plainly written or printed the words "Against Good Roads"; and the said judges and registrars shall count the ballots and declare the result, as provided by the general law, and shall certify the result thereof to the board of commissioners for the county of Craven, which certificate shall be filed with the register of deeds of said county on the day following the said election. If a majority of the said qualified voters of the said county or such township shall cast their votes at the said election "For Good Roads," then it shall be the duty of the said board of commissioners to issue bonds up to the amount specified in the petition and order of election, under the rules and regulations hereinafter prescribed; but if a majority of the said qualified voters shall fail to cast their votes "For Good Roads," then it shall not be the duty of the said board of commissioners to issue bonds.
Count and return of votes.	
Effect of election.	
Election of road trustees.	SEC. 4. That if the election be called for the whole county in the same order made by the board of commissioners calling the said election, it shall be their duty to order that ten discreet persons shall be elected from the whole county; and if the election be called for one or more townships, but not for the whole county, then five discreet persons shall be elected in each township at the same time that the question of bonds is voted on, and who shall be known and designated, if for the whole county, as the Board of Road Trustees of Craven County, and if for a township, as the

Board of Road Trustees of Township. The said road trustees shall be voted for in a separate box, and each person voted for shall have his name plainly written or printed on a ticket, with the words "For Road Trustees," and if the election be held for the whole county the ten persons, or if held for one or more townships the five persons receiving the highest number of votes shall be declared to be duly elected as the Board of Road Trustees of Craven County or the Board of Road Trustees of the Township, as the case may be; and should any of the persons receiving the highest number of votes be a tie, and the judges and registrar are thereby unable to determine the one elected, it shall be the duty of the registrar and judges to decide the matter by chance, and shall certify to the board of commissioners who the persons are composing the board of road trustees; and if a vacancy occurs in the said board, by death, resignation or otherwise, said vacancy shall be filled by other members of the board.

SEC. 5. It shall be the duty of the board of trustees to direct the said board of county commissioners in what denominations the said bonds should be issued, what term to run and what interest to bear, and to sell the said bonds for cash and to turn over the same to a treasurer, to be elected by them, who may or may not be one of their number: *Provided*, that no money be turned over to said treasurer until he shall have given bond in a sum to be fixed by the said board of trustees, but in no event less than the amount of money turned over to said treasurer: *Provided further*, the said treasurer shall receive such amount for all of his services as such treasurer as the said board of road trustees shall fix, but not to exceed one-half of one per centum of all moneys that may come into his hands as such treasurer, except the said board of road trustees shall make an order that he may bond in some surety company, to be paid out of said funds.

SEC. 6. The said treasurer shall not pay out any of the said funds except upon order of the said board, duly attested by the chairman and secretary thereof, and shall render a monthly account in detail to the board of road trustees, which account shall be itemized, giving the name of every person or corporation to whom he has paid money, upon what order and for what purpose paid, which account shall be verified; and when the funds shall have been disposed of, the said treasurer shall render a final account, itemized and verified, as stated above, and if the said final account shall be approved by the said board of road trustees it shall be the duty of the board to order their secretary to endorse on the said final account the word "Approved" and the day when approved, and shall cause the same to be recorded in the record of official accounts in the register's office in Craven County; and if the said treasurer shall fail or refuse to render any of the said accounts, as above set out, and if the board of road trustees shall

Separate box.

Ballots.

Determination of ties.

Vacancies.

Trustees to direct issuance and sale of bonds.

Road treasurer.

Proviso: bond of road treasurer.

Proviso: pay of treasurer.

Premium on bond.

Road orders.

Monthly accounts.

Final account.

Failure to render or require accounts misdemeanor.

Punishment. Penalty as to treasurer.	neglect or refuse to require the said treasurer to render any of the said accounts in accordance with the specifications of this section, they shall be guilty of a misdemeanor, and upon conviction shall be fined, imprisoned, or both, in the discretion of the court; and, further, the said treasurer, upon so failing to render said account, as herein specified, shall be liable to a penalty of two hundred dollars, one-half of which shall go to the person suing for the same.
Duty of trustees.	SEC. 7. It shall be the duty of said trustees to take charge of, grade, build and improve, by macadamizing or otherwise, all of the public roads in the said county or such township, as the case may be, specified in the petition and order of election referred to in section one of this act, and to lay off new roads and make such amendments and improvements on the old roads specified in the petition and order of election of said board of commissioners as in their discretion they may deem necessary or which may have been specified in the said petition and order of election; and it shall also be their duty to grade, build and improve, by macadamizing or otherwise, such streets of the towns of said county or in such townships as are specified in the petition and order of election. Said trustees shall also specify the kind and quality of the work to be done on the said streets by the expenditure of the moneys provided by this act; and it shall be the duty of the board of road trustees to meet in regular session at least once each month, and special meetings may be called at any time for special purposes, either by the chairman or three members of the board.
Work on streets.	
Meetings of trustees.	
Special meetings.	
Engineer and road superintendent.	In order to carry out the work imposed upon the said board of road trustees by this act, they shall have the right to employ an engineer and also a road superintendent. The duty of the superintendent shall be to superintend and oversee all the work which is being done under the direction of the board of road trustees, and the board may purchase such road machinery or rock crusher as they may deem necessary: <i>Provided</i> , that the salary of the said superintendent shall not exceed two dollars per day for the time actually engaged in work: <i>Provided further</i> , that the trustees shall not receive more than two dollars per day for such time as they may be engaged in meeting, but in no event can the said trustees be allowed more than sixty dollars each in any one year for his services as such trustee.
Duty of superin- tendent.	
Road machinery. Proviso: salary of superintendent.	
Proviso: pay of trustees.	
Limit.	
Procedure for establishment of road.	SEC. 8. If the said Board of Road Trustees of Craven County or the board of road trustees for any township therein shall decide, either upon the petition from citizens of said county or such township or upon its own motion, to build a proposed road, it shall make an order to that effect, and shall appoint a committee of three members of the said board of road trustees to lay out and establish the said proposed road, which committee shall make its report to the said board, and upon the said report being adopted the said board shall then make an order that the said proposed road shall be opened up and built from the funds derived from

the sale of the said bonds: *Provided*, that if any citizen over whose land the said road may run shall claim damages, the said board shall cause the sheriff to summon a jury of three good and lawful men to view the premises and assess the damages, if any; and if the board of road trustees or the landowner shall be dissatisfied with the decision of the said jury, either party shall have the right to appeal to the Superior Court on the question of damages, but in no event can any person receive any more than the land taken by the said road is worth, at a fair valuation per acre: *Provided further*, that neither the said committee nor jury shall receive more than two dollars per day for each member of the said committee or jury for the time actually engaged in laying out the said road.

Proviso: procedure for assessment of damages.

Right of appeal.

Limit of damages.

Pay of committee and jury.

Sec. 9. It shall be the duty of the Board of County Commissioners of Craven County to issue the bonds provided for in this act, up to the amount voted in the said election, upon the request of the said Board of Road Trustees of Craven County or upon the request of the board of road trustees for any township, in such denominations, to run such time and to bear such interest as the board of road trustees may direct, which bonds shall be signed by the chairman of the Board of County Commissioners of Craven County and attested by the secretary of said board and the county seal of Craven County affixed thereto: *Provided, however*, that the limitations prescribed in the first section of this act shall be observed in the issuing of the said bonds.

Issue of bonds.

Denominations, maturity and interest.

Authentication.

Proviso: limitations to be observed.

Sec. 10. If a majority of the qualified voters of Craven County or of any township of said county cast their votes at an election held under this act "For Good Roads," then this chapter shall be the road law governing the public roads of Craven County or such township, and any general road law for Craven County or such township shall be thereby repealed, in so far as the levying a tax to keep up public roads is concerned, and the tax provided for in this chapter shall be the only tax that can be levied under the law upon the property or poll in Craven County or in such township for the purpose of keeping up or building public roads. And if at the time any election is held under this act there shall have been levied or collected upon or from the property or poll in Craven County or any such township for road purposes, the same shall be held for the purpose of paying interest on any bonds which may be issued by virtue of the authority given by said election: *Provided*, that nothing herein contained shall interfere with the board of supervisors of said townships allotting the hands to the public roads and requiring them to work the same for such time and under such rules and regulations as provided by the general law for the working of the public roads in such townships as may not cast a majority vote for good roads, as herein provided: *Provided further*, that nothing herein contained shall interfere with the working of convicts upon the roads of said

Act to be road law for county or townships voting for same.

Former road laws and taxes.

Taxes already collected.

Proviso: allotment of hands.

Proviso: convict work.

county, as is now provided for by chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and seven.

Tax for interest
on bonds.

SEC. 11. When the said board of commissioners shall have issued any of the bonds provided for in this act, it shall be the duty of the said board, annually thereafter, on the first Monday in June, to levy a tax on all property and polls subject to taxation for State purposes in the said county or township sufficient to pay the interest on the bonds so issued as the same may become due: *Provided, however,* that the constitutional equation between the property and the poll be at all times observed in such levy.

Proviso: constitu-
tional equation.

Election on whole
or part of bonds.

SEC. 12. The citizens of the said county and townships shall have the right to petition for and require an election on the whole amount of bonds provided for in this act or for any part of the same, and having voted any part of the said bonds shall not prevent the holding of another election or elections until the whole amount of bonds have been voted. And if there shall be an election held under the provisions of this act, and the majority of the qualified voters shall fail to vote bonds, it shall not be a bar to the holding another election or elections under this act, upon a new petition being filed under the provision herein contained for the filing of petition or election hereunder.

Elections for
additional bonds.

Further elections.

SEC. 13. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 831.

AN ACT TO PREVENT BOARDS OF DIRECTORS OF STATE INSTITUTIONS FROM ELECTING ONE OF THEIR NUMBER TO ANY POSITION UNDER THEIR CONTROL.

The General Assembly of North Carolina do enact:

Elections declared
unlawful.

SECTION 1. That it shall be unlawful for any board of directors or board of trustees or other governing body of any of the various State institutions (penal, charitable or otherwise) to appoint or elect any person who may be or has been at any time within six months a member of said board of directors, board of trustees or other governing body to any position in said institution, which said position may be under the control of said board of directors, board of trustees or other governing body.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.*

CHAPTER 832.

AN ACT FOR THE SEPARATION OF WHITE AND COLORED PRISONERS IN THE STATE PENITENTIARY AND IN THE COUNTY JAILS AND CONVICT CAMPS DURING SLEEPING AND EATING HOURS.

The General Assembly of North Carolina do enact:

SECTION 1. That white and colored prisoners shall not be confined or shackled together in the same room of any building or tent, either in the State penitentiary or at any State or county convict camp during the eating or sleeping hours, and at all other times the separation of the two races shall be as complete as practicable. White and colored prisoners not confined or shackled together.
Separation complete as practicable.

SEC. 2. That any officer or employee of either the State or any county in the State having charge of convicts or prisoners who shall violate or permit the violation of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor.
Punishment.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 833.

AN ACT TO PROVIDE FOR THE CONSTRUCTION, REPAIR AND MAINTENANCE OF THE PUBLIC ROADS OF NASHVILLE TOWNSHIP, NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a road district shall be and is hereby established in Nashville Township, Nash County, embracing all the lands and public roads within the territory now known as Nashville Township. Road district established.

SEC. 2. That the said road district shall be named and entitled the "Nashville Township Road District." Official designation.

SEC. 3. That a board of road commissioners shall be created, composed of three members, who shall be elected by the Board of Commissioners of Nash County at its first regular meeting in June, one thousand nine hundred and nine, or as soon thereafter as practicable, and the persons so elected and their successors are and shall be hereby created the Road Commissioners for Nashville Township Road District, and each person so elected shall hold his said office for the term of two years from June first and until his Road commissioners.
Official designation.
Term of office.

Vacancies.	successor is elected at the next biennial June election and shall be duly qualified. All vacancies occurring shall be filled as soon as practicable by the board which elected the person whose office became vacant, and such board shall preserve its right to elect the successor of the person or persons whom it has just previously elected.
Qualifications.	Each member of the board of road commissioners shall be a freeholder and duly qualified voter living within the territory composing the Nashville Township Road District, and two members of said board of road commissioners shall constitute a quorum for the transaction of any business.
Quorum.	
Road commissioners to meet, qualify and organize. Date for meeting.	SEC. 4. The road commissioners, as provided for in section three of this act, shall meet on the second Monday in June, one thousand nine hundred and nine, or as soon thereafter as practicable, and after being duly qualified by taking the oath of office, to be administered by any duly commissioned notary public or justice of the peace, shall proceed to organize by electing one their members chairman and one of their members secretary of said road commissioners. Said road commissioners shall hold regular meetings at such times and places as may by resolution of said commissioners be agreed on, and shall hold special meetings upon the call of the chairman or two members of the board of road commissioners, of which all members shall be notified.
Organization.	
Regular meetings.	
Special meetings.	
Supervision and control of convict force. Supervision of roads. Care of convicts.	SEC. 5. That said road commissioners shall have full supervision and control of the convict force sentenced to work on the public roads of Nashville Township Road District and shall have the supervision of all public roads in said district. It shall be the duty of said road commissioners to look after the care and comfort of the convict force, have the convicts properly guarded, clothed and fed, attended in cases of sickness by the county superintendent of health, and generally to provide for the efficiency of the convict force in working the public roads of said district.
Powers of road commission.	SEC. 6. The road commissioners shall have full power and authority to hire such labor and to purchase such tools, material, stock, machinery and other appliances or things necessary for the proper working of the public roads under its supervision by the convict force or hired labor, which shall be paid for out of the funds raised for the working of the public roads of said district.
Road orders.	That all orders for the payment of any money directed to be paid out on account of the duties devolving upon the road commissioners shall be signed by the chairman and one member of the board of commissioners acting as secretary for said board, and shall be drawn on the Treasurer of Nash County, who shall pay and charge said orders to the road fund of said district. The cost of repairing and building bridges, of more than ten dollars, shall be paid out of the general funds of Nash County: <i>Provided</i> the Board of County Commissioners of Nash County shall so direct.
Bridges.	
Proviso: county commissioners to direct payment.	

SEC. 7. Said road commissioners, in constructing and working the public roads herein named, shall make the roadway not less than twenty feet and not more than forty feet wide, and in constructing said roads the commissioners shall make them as straight as practicable and grade them. In laying out, opening, constructing or working any public road in said district the road commissioners or any superintendent acting under them shall have the right to enter upon the lands of any person over whose lands the road may pass, and may proceed to open the said road and use such stone, earth, timber or other material as may be necessary for the work, but any timber or wood taken must be at the time thereof within twenty feet of the said road, and doing as little injury as possible to the property; and the said road commissioners shall have authority to agree with the owner as to the damages sustained by him, and the sum so agreed shall be paid as promptly as possible by said road commissioners, by an order on the treasurer of the county on the road funds of said district. In case the road commissioners and the owner cannot agree on the amount of the damages, then each shall select one arbitrator, and the two selected shall select the third arbitrator, and the three together shall assess the damages; and if the road commissioners and owner shall be dissatisfied, either shall have the right of appeal to the Superior Court: *Provided*, the injured party shall execute sufficient bond to secure costs awarded on appeal before the appeal is sent up.

Width and grade of roads.

Entry on land for construction of road or taking material.

Agreement and payment for damages.

Arbitration of damages.

Right of appeal.

Proviso: bond on appeal.

SEC. 8. That the said road commissioners may employ a superintendent, who shall have the immediate and personal supervision of the hired and convict force and of their employment, see that they are cared for properly, and that the work directed by the road commissioners is performed by the hired and convict force in accordance with its direction, and generally to have charge of any camp established, tools, machinery and other property pertaining to the force. The said superintendent shall report directly to the said road commissioners any and all irregularities, failure to work by the convicts, and the health of the convicts, and he may be discharged at any time by the road commissioners.

Employment and duty of superintendent.

Reports.

Removal for cause.

SEC. 9. That the Board of Commissioners of Nash County, in order to provide for the proper construction, repair and maintenance of the public roads and bridges of said Nashville Township Road District, and to pay the interest on and provide a sinking fund for the payment of any bonds which may be hereafter issued, at their regular meeting in June, one thousand nine hundred and nine, and each annual June meeting thereafter, shall levy a special tax on all property subject to taxation under the law and within said district, of not less than ten cents nor more than thirty cents on the one hundred dollars' worth of property and

Special tax

Rate.

Constitutional
equation.
Taxes kept
separate.

Specific appro-
priation.

Proviso: per-
manent improve-
ments.

Proviso: safe-
keeping of con-
victs.

Guards and
laborers.

Prisoners worked
on roads.

Convicts sen-
tenced to road
work.

Expense for care
of convicts.

not less than thirty cents and not more than ninety cents on the poll, the constitutional equation being observed at all times; said taxes to be collected as all other taxes, are to be kept separate on the tax books of the county, to be set aside as a special road fund for Nashville Township Road District, to be used in the construction, repair and maintenance of the public roads and such bridges in said district, not costing to exceed ten dollars, if the board of county commissioners shall so direct: the purchase of such material, implements, team, wagon, camp outfit, quarters or stockades for the use of and safe-keeping of the convict force as may be necessary in the proper carrying out of the work, and for the payment of the interest on such bonds as may be issued by said road commissioners, and for the employment of such additional labor as may be necessary: *Provided, however,* that the money raised under this section shall, as far as possible, be used in permanent improvements for the roads and the payment of interest on such bonds as may be issued; and *Provided further,* that the county jail located in said district may be used by the said road commissioners or road superintendent, if the board of county commissioners shall first consent, as a place of safe-keeping for the convict force of said road district, at such times as the said road commissioners may deem necessary.

SEC. 10. That the road superintendent, with the approval of the road commissioners, shall have power to employ or discharge such guards as may be needed to take charge of the convict force or such other laborers as may be employed.

SEC. 11. That all prisoners confined in the county jail of Nash, under final judgment of any court having jurisdiction, for crime or imprisonment for the nonpayment of costs or fines, or under final judgment in the cases of bastardy, or under vagrant acts, and all insolvents who may be imprisoned by any court of competent jurisdiction in any county for the nonpayment of costs, and all persons who may be sentenced in said counties to the State's Prison for a term of not more than three years, may be worked on the public roads of Nashville Township Road District if asked for by said road commissioners.

SEC. 12. That upon application of the said road commissioners to the Judge of the Superior Court of any county in the State, the justice of the peace or principal officers of any municipality or other inferior courts within or outside of said road district, the said judge or other officers may and it shall be the duty of the justice of the peace or said principal officers of any municipality or other inferior courts in said district to sentence such persons convicted in such court to work on the public roads of said district; all such convicts to be clothed, fed and otherwise cared for at the expense of said district, and the cost of transferring, guarding and maintaining such prisoners as may be sent to said dis-

trict shall be paid by the road commissioners: *Provided*, that any such prisoners may be at any time returned to the keeper of the jail of said county from which they are sent, all transportation to be paid by said road commissioners.

Proviso: return of convicts.
Expense of transportation.

SEC. 13. That subject to the approval of the road commissioners the 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 said road district, when in his judgment the same will prove advantageous to public travel: and when any person or persons on whose lands the new road or part of the road to be located claims damages therefor, and within sixty days files a petition before the said road commissioners asking for a jury to assess damages, the said commissioners, 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 landowner or his local representative forty-eight hours' notice of the time and place when and where the 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 said benefits shall be considered equal to or greater than the damages sustained, then the jury shall so declare, and report in writing its findings to the road commissioners for revision or confirmation: *Provided*, that if said landowner be a nonresident of said district or 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 landowner, seven days in advance of such meeting, and also to post a notice for seven days at the courthouse in the town of Nashville and at three other places in Nash County.

Location or change of road.
Procedure for assessment of damages.
Benefits to be considered.

SEC. 14. That in case the landowner or his legal representative or the road commissioners shall be dissatisfied with the findings or decision of the jury, as provided for in section thirteen of this act, he or they may appeal from their decision to the Superior Court of Nash County, all such appeal and appeals under sections seven and thirteen of this act being governed by the law regulating appeals from the justices of the peace, and the same shall be heard *de novo*: but the judge, in his discretion, may require the landowner or said commissioners to give bond when the case is taken by appeal to the Supreme Court.

Proviso: notice to nonresidents.
Right of appeal.
Judge may require bond on appeal.

SEC. 15. That it shall be unlawful for anyone to take and carry away sand, clay, soil or gravel from a public road in Nashville Township Road District or from the ditches along the sides of public roads in said district, without the written consent of the superintendent in charge of such roads.

Taking material from road or ditches unlawful.

No money
expended on
streets.
Proviso: excep-
tion.

SEC. 16. No money shall be expended on any street of any incor-
porated town or city within said road district: *Provided, however,*
that this section shall not apply to Washington Street and Boddie
Street, commonly known as Railroad Street, in the town of Nash-
ville.

Release from
county road tax
and road duty.

SEC. 17. The property embraced in Nashville Township Road
District shall not be liable to Nash County for any road tax to be
used or expended outside of said road district, nor shall the per-
sons living in said district be liable to any personal road service
after this act goes into effect, nor shall said county be liable for
any expense of the public roads in said district after this act goes
into effect, except on account of bridges costing ten dollars and
over, which bridges are to be built and repaired out of the general
fund of Nash County, if the board of county commissioners shall
first consent to the expenditure of said money out of the general
county fund for rebuilding or repairing said bridges.

Liability of
county discharged.

Compensation of
superintendent
and employees.

SEC. 18. The board of road commissioners shall have power
and authority to fix the rate of compensation to be paid to the
road superintendent and such other persons as may be employed
to work the public roads of said district, and such compensation
may be changed from time to time as circumstances require, all
such expense to be paid out of the district funds by the treasurer,
as provided for the payment of other expense accounts.

Labor in discharge
of road tax.

Rate.

Proviso: amount
of work.

SEC. 19. That any person charged with road tax within said dis-
trict may, in the discretion of the road commissioners or road su-
perintendent, be allowed to discharge same by labor on the public
roads of said district at the rate of sixty cents per day: *Provided,*
that no person so working out his taxes shall be allowed to do
less than two full days' work of nine hours.

Monthly reports
of treasurer.

Annual report.

Publication.

Proviso: expense
of publication.

SEC. 20. The county treasurer shall make a monthly statement
to the road commissioners, showing itemized receipts and dis-
bursements of all funds of Nashville Township Road District, and
on the first Monday in June of each year shall make a full item-
ized report of all receipts and disbursements of said funds, and it
shall be the duty of said road commissioners to publish same, as
required by law governing publishing annual statements by the
Board of County Commissioners of Nash County: *Provided,* the
cost for publishing said annual statement of road-district receipts
and disbursements shall not exceed one-half cent per word.

Commissions
allowed sheriff.

SEC. 21. For his services in collecting and paying over to the
treasurer all sums of money levied for road purposes in said dis-
trict the sheriff shall be allowed such commissions as may be fixed
by the board of county commissioners, the board of road commis-
sioners concurring, not exceeding four per centum, and he shall
be entitled to retain his commissions upon the settlement of the
road tax with the county treasurer. The treasurer shall be al-
lowed such sum as may be fixed by the board of county commis-

Compensation of
treasurer.

sioners, the board of road commissioners concurring, not exceeding one-half of one per centum on receipts and one per centum on disbursements by him on account of said road district funds, such commissions to be received by him in full for all such services enjoined upon him by virtue of the provisions of this act. Said treasurer and said sheriff shall both give bonds, with good and sufficient sureties, in such sum as may be fixed by the board of county commissioners, conditioned upon the faithful discharge of their duties and for the accounting of all sums which may come into their hands by virtue of the provisions of this act. Bonds of treasurer and sheriff.

SEC. 22. That each member of the board of road commissioners for said district, before entering upon the duties of his office, shall deposit with the board of county commissioners a bond, in such an amount as the said county commissioners may fix, payable to the county of Nash, for the use and behoof of said Nashville Township Road District funds, as a guarantee for the faithful and honest discharge of the duties of his office and the proper accounting of all funds which may come into his hands by reason of this act, and which bond shall be registered in the office of the register of deeds and filed with the clerk of the Superior Court. The said board shall have power to increase the said bond or to require a new one whenever in their judgment it may be necessary or advisable. Road commissioners to give bond.

SEC. 23. For their services as road commissioners each member shall receive such compensation as salary or per diem as may be fixed by the board of county commissioners, all such salaries or per diem to be paid out of the funds of said road district, as provided for the payment of other expenses. Salary of road commissioners.

SEC. 24. All persons, firms or corporations who shall operate or cause to be operated on the public roads of said Nashville Township Road District any cart, wagon, traction engine or other conveyance for hauling logs, timber or lumber shall, before beginning the operation of said cart, wagon, engine or other vehicle for said purpose, secure a license or permit for such business and pay to the sheriff of Nash County the sum of two dollars and fifty cents for each and every such two-horse cart or wagon, and five dollars for each and every four-horse cart or wagon or conveyance, and seven dollars and fifty cents for each and every six or eight horse cart, wagon or conveyance, and ten dollars for each and every ten-horse (or more) cart, wagon or conveyance. Such license or permit issued in accordance with this section shall be for twelve months from date thereof, and transferable only with the approval of the chairman of the board of road commissioners of said district. It shall be the duty of said sheriff issuing such license or permit to turn over all funds received under the provisions of this section to the treasurer, as required and in accordance with section nine of this act. For issuing said license or Loggers and lumbermen to take out license.
License fees.
Sheriff to pay over license fees.
Fee for issuing license.

Proviso: hauling for personal use.	permit the sheriff shall receive a fee of twenty-five cents, to be paid by the person, firm or corporation applying for such license or permit: <i>Provided</i> , that nothing in this section shall prevent any person hauling lumber for their own personal use, or person whose teams, wagons, etc., are not regularly employed for such purpose.
Election for ratification or rejection of act.	SEC. 25. That it shall be the duty of the Board of County Commissioners of Nash County to order and have held an election in said Nashville Township Road District on Saturday, the twenty-ninth day of May, one thousand nine hundred and nine, as to whether the provisions of this act shall apply in the said district or not. For the holding of said election the board of county commissioners shall appoint a registrar and two poll holders and other officers necessary to said election in said district.
Appointment of election officers.	said commissioners giving thirty days' notice prior to the holding of said election, said notice to be published in some newspaper published at the county seat of said county, or if there be no newspaper published at the county seat, then in some other newspaper published in said county and at the courthouse door. In all other respects said election shall be held under the law regulating the election of members of the General Assembly. At said election all of those who favor the levy of said road tax and the provisions of this act shall cast a ballot on which shall be printed "For Good-roads Bonds," and those against said levy and the provisions of this act shall cast a ballot on which shall be printed "Against Good-roads Bonds." If a majority of the qualified voters of said district shall vote "For Good-roads Bonds," then all of the provisions of this act shall apply in said district; but if a majority of the qualified voters of said district shall vote "Against Good-roads Bonds," then the provisions of this act shall not apply to said district, and the public roads of said district shall be worked thereafter and kept up as authorized by chapter sixty-five of the Revisal of one thousand nine hundred and five of North Carolina.
Notice of election.	
Law governing election.	
Ballots.	
Effect of election.	
Bond issue authorized.	SEC. 26. That the board of road commissioners for Nashville Township Road District, the board of county commissioners concurring, shall be and are hereby authorized and empowered to issue bonds of said Nashville Township Road District, to be styled Nashville Township Road District bonds, to an amount not to exceed twenty thousand dollars, of such denomination and of such proportion as said road commissioners may deem advisable, bearing interest from the date of issue thereof, at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually and as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said road commissioners; said bonds to be signed by the chairman and secretary of said road commissioners for Nashville Township Road District, and to be of such form and tenor and transferable in such way, and the principal thereof
Amount.	
Denomination.	
Interest.	
Authentication.	

payable or redeemable at such time or times, not exceeding thirty Maturity.
 years from the date thereof, and at such place or places as
 said road commissioners may determine. None of said bonds shall Bonds not to be
 be disposed of for a less price than their par value, and the said sold below par.
 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, to- Liability for
 gether with all interest that may be due thereon, shall be attached bonds.
 to and imposed upon the division of Nash County herein named and
 designated as Nashville Township Road District: *Provided, how- Proviso: election*
ever, that the provisions of this section shall first be submitted to on bond issue.
 a vote of the qualified voters of said Nashville Township Road
 District, at an election to be held on a day to be designated by
 said road commissioners for Nashville Township Road District.
 For the holding of said election the Board of County Commis- Appointment of
 sioners of Nash County shall appoint a registrar and such poll election officers.
 holders and such officers as may be necessary, and said registrar Registration.
 shall be provided with registration book and shall register all
 duly qualified voters applying for registration whose *bona fide*
 residence is in the Nashville Township Road District. On the Holding of elec-
 day designated the said registrar and poll holders shall meet at tion.
 the usual voting place in the said district, and after being duly
 sworn shall hold said election. At said election all voters who Ballots.
 shall favor the issue of bonds, as provided in this section, shall
 cast ballots on which shall be printed or written "For Good-roads
 Bonds," and those opposed to such shall cast ballots on which
 shall be printed or written "Against Good-roads Bonds." In all Law governing
 other essential respects said election shall be held and conducted election.
 in the manner prescribed for the election of members of the
 General Assembly, and the qualification of electors shall be the
 same as prescribed in the general election law. When the election Count of votes and
 shall be finished the registrar and poll holders shall open the box declaration and
 and count the ballots and declare and record the result. The said record of result.
 registrar and poll holders, after counting the ballots, shall declare Returns.
 the result, making written record of same, and shall deliver a
 certified copy of such record to the Clerk of the Superior Court
 and Register of Deeds of Nash County, and the same shall be
 properly recorded, and no further record of same shall be neces-
 sary. If a majority of the qualified registered voters of the Effect of election.
 Nashville Township Road District shall vote "For Good-roads
 Bonds," then said bonds shall be issued, and the other powers and
 duties shall be exercised as provided in this section: *Provided, if Proviso: further*
 a majority of said registered voters shall fail to vote "For Good- elections.
 roads Bonds," another election or elections may be held under
 this act at any time within four years of the date of the first
 election. The cost of holding said election shall be paid by the Cost of holding
 road commissioners for Nashville Township Road District out of election.
 any money belonging to said road district.

Violation of act
misdemeanor.

SEC. 27. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 28. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

When act
effective.

SEC. 29. That this act shall be in full force and effect on and after ratification by a majority of the qualified voters of said Nashville Township Road District, in accordance with section twenty-five of this act: *Provided*, that nothing in this act contained shall be construed as in anywise affecting, altering or changing the provisions of any other district law now or hereafter in force in Nash County.

Proviso: effect on
other laws.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 834.

AN ACT TO AMEND CHAPTER 59, PUBLIC LAWS, EXTRA SESSION 1908, TO COMPEL ATTENDANCE OF INDIANS AT SCHOOL.

The General Assembly of North Carolina do enact:

Indian blood.

SECTION 1. That all of section one after the word "thereof," in line four of said section, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 835.

AN ACT TO AMEND CHAPTER 77, REVISAL OF 1905, ENTITLED "WEIGHTS AND MEASURES."

The General Assembly of North Carolina do enact:

Standard weights.

SECTION 1. That chapter seventy-seven, section three thousand and sixty-six, of the Revisal of one thousand nine hundred and five, be amended by inserting after the word "pounds," in line seventeen, page nine hundred and twenty, "turnips, fifty pounds; onions, fifty-seven pounds; sweet potatoes, fifty-six pounds; Irish potatoes, fifty-six pounds; green apples, forty-eight pounds."

Turnips; onions.

Sweet potatoes.
Irish potatoes.
Green apples.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 8th day of March, A. D. 1909.

CHAPTER 836.

AN ACT TO AMEND SECTION 3471 OF THE REVISAL OF 1905, RELATIVE TO SHIPPING CERTAIN BIRDS FROM THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand four hundred and seventy-one of the Revisal of one thousand nine hundred and five be and is hereby amended by adding to said section, at the end thereof, the following words: "*Provided*, nothing herein contained shall prevent the shipment from Tyrrell County of snipe or woodcock killed or captured in said county from the first day of August to the first day of September." Proviso: shipment of snipe and woodcock from Tyrrell county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 837.

AN ACT TO ASSIST POOR AND INDIGENT CHILDREN TO PROCURE NECESSARY SCHOOLBOOKS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any public-school teacher in Chowan County shall ascertain that there are children in his school who do not possess sufficient and necessary schoolbooks, or that there are children in his district who are not attending school on account of not being able to purchase sufficient and necessary public-school books, then it shall be the duty of said teacher to inquire into the condition of said children, and if it be ascertained, upon oath and examination of the parent or one standing in place of parent of the said children, that it is impossible for them to secure the necessary public-school books, the said teacher shall report the name, age and parents of said children, the number and kind of books, the price of same, required and needed for said children, to the superintendent of the county board of education, who, with one other member of the board of education, may further investigate same, and if deemed advisable by said board they may report to the Board of Commissioners of Chowan County the number, age, parents and condition of said children in each school district, and the number and price of books needed for such children in that district; whereupon the county commissioners of Chowan County shall issue a warrant to the teacher of said dis- Inquiry as to condition of children.
Report.
Further inquiry.
Report to county commissioners.
Warrant to be issued and books supplied.

trict for the amount named in the report and recommendations of the county superintendent for the poor children in that district, which teacher shall immediately upon the receipt of said warrant proceed to secure the required books and place them in the hands of said poor children of the said district.

Application of act. SEC. 2. That this act shall only apply to Chowan County, and only after its acceptance and adoption by the board of education
When effective. at its meeting July first, one thousand nine hundred and nine.
Ratified this the 8th day of March, A. D. 1909.

CHAPTER 838.

AN ACT TO AUTHORIZE THE TOWNSHIPS OF RANDOLPH COUNTY TO ISSUE BONDS FOR THE PERMANENT IMPROVEMENT OF THEIR PUBLIC ROADS.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That upon the presentation of a written petition to the Board of Commissioners of Randolph County, signed by one-third of the resident taxpayers of any township in said county, requesting that an election be called for the said township to vote

Limit of amount.

on the question of issuing bonds in any amount not to exceed fifteen per cent of the assessed valuation of real and personal property in such township, with interest-bearing coupons, to aid in the construction of graded and macadamized or other permanent roads in said township, said petition to be recorded on the

Election to be called.
Time of election.

minutes of the said board, it shall be the duty of the said board of commissioners to call an election, to be held within ninety days after the presentation of said petition, at the polling place or places in said township, and submit to the voters of said township the question of issuing bonds for said purpose, the bonds to

Notice of election.

be issued upon the terms and conditions hereafter 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 notice posted at the courthouse door in Randolph County and at three other public places in said township and in some newspaper having a general circulation in said township.

New registration.
Law governing registration and election.

SEC. 2. That the said board of commissioners shall order a new registration of the voters of said township for said election, and the registration and challenging 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 elec-

Proviso: appointment of election officers.

tion officers; that the registrars and judges shall, at the close of the polls, count the votes, certify the result and, on or before two days after the election, shall make returns to the board of county commissioners, and said board shall, on or before four days 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 Good Roads" or "Against Good Roads," and all qualified voters who favor the issuing of bonds upon the conditions and terms set out in this act shall vote "For Good Roads," and all the qualified electors opposed thereto shall vote "Against Good Roads."

SEC. 4. In the event that a majority of the qualified voters of said township shall at said election vote "For Good Roads," the said board of commissioners shall have prepared bonds in such denominations as said board may direct, the total amount to be such amount as is named in the petition for such election, not to exceed fifteen per cent of the assessed valuation of real and personal estate in said township, with interest-bearing coupons attached, at a rate to be determined by said board: *Provided*, the said bonds shall not be less than four nor exceeding six per cent per annum, payable semiannually during the time said bonds shall run, and the principal of said bonds shall be payable thirty years from the date of issuing the said bonds, and coupons shall be payable at the office of the Treasurer of Randolph County or other place determined upon by the said board. Both the bonds and the 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 Randolph County. The said bonds shall be styled bonds to aid in the construction of permanent roads in Randolph County, 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.

SEC. 5. That if bonds are to be issued on behalf of any township in said county under the provisions of this act, then there shall be appointed by the board of county commissioners of said county for such township a township highway commission, to consist of three members, not more than two of whom shall belong to any one political party. Said township highway commission shall hold office until all the proceeds of said bonds shall have been used in grading, macadamizing, repairing and improving the roads of such township. The members of such township commission shall have complete charge and supervision of such work. They may let the work of such roads to contract to the lowest bidder, or they

Count of votes
and certificate of
result.

Returns.

Canvass of
returns.

Ballots.

Bonds to be
issued.
Denominations.

Amount.

Interest.

Proviso: limit of
interest rate.

Maturity.

Authentication.

Designation of
bonds.

Township high-
way commission.

Political affilia-
tion.
Term of office.

Powers of com-
mission.

Commissioners to give bond.	may purchase the necessary equipment and machinery and employ competent persons to aid in the work, under their own supervision. They shall each give bond in the sum of three thousand dollars for the faithful performance of their duties, said bonds to be payable to the State of North Carolina, and shall be approved by the
Further enumeration of powers.	board of county commissioners of said county. They shall have control of the paying out of the proceeds of said bonds, and shall approve all accounts for work on said roads, and the treasurer of the county shall pay all vouchers and warrants issued by said highway commission for the purposes herein provided out of the
Surveyor or engineer.	"proceeds of the sale of said bonds. Said highway commission shall employ a competent surveyor or engineer, who shall, under the direction of the highway commission, lay off said roads and make and prepare proper specifications, and said roads shall be
Organization.	built and improved in accordance with such specifications. Said highway commission shall appoint a chairman and secretary and shall keep a record of their proceedings. They may meet on the
Meetings.	first Monday in each month during the progress of the work, and may adjourn from day to day, but shall not be in session longer than three days in any one month. They shall be allowed two
Compensation.	dollars per day for their services for each day actually engaged, which shall be paid out of the proceeds of said bonds. All the
Payment of cost and expense of roads.	costs and expenses attendant on improving the roads of any township shall be paid out of the proceeds of the bonds issued and
Sale of bonds.	taxes levied for such township. The bonds issued under the provisions of this act shall be sold as the township highway commission may demand of the board of county commissioners.
Powers of commission in locating, changing and working roads.	SEC. 6. That said highway commission, when organized, may and it shall be their duty to locate, relocate, widen, grade, macadamize or otherwise change any public road or any part of the same, or cause the same to be done, when in their judgment such
Entry on land for construction and material.	location, relocation or change, as aforesaid, is necessary, and for said purposes they shall have the power and authority to employ all necessary labor and to fix the compensation of the same, and to buy all material and machinery that may be necessary, and they are authorized to enter upon the lands of any persons situated in their respective township and to proceed to open, build and construct or change any public road or any part thereof, and
Procedure for assessment of damages.	may use stone, earth, timber or any other necessary material contiguous to or near said road, to be used in opening, constructing, changing or working the same. That when any person or persons over whose lands any old or new road or a part of which is to be located, relocated, widened, changed or extended claims damages therefor in excess of what the highway commission may deem just and offer to pay, and shall within thirty days petition said highway commission for a jury to assess the damages, the highway commission shall, within not less than fifteen days nor more than sixty days after the completion of said road, order a jury of

three freeholders, residents of said township, none of whom shall be related to the person claiming damages, to be summoned by the sheriff of the county or constable of the township, after three days' notice to the owners and to the members of the highway commission, to meet and assess the damages which may be sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall proceed to assess the same and make their report to the next regular or called meeting of the said highway commission. The said jury, in considering the question of damages, shall take into consideration the benefits to the owner of the land by such road or changes in the same, and if the said benefit be considered equal to the damages sustained, then the jury shall so declare, but if the damages shall exceed the benefit, they shall declare the amount thereof. Either the highway commission or the party interested may appeal to the Superior Court of Randolph County, and the same shall be heard *de novo*, but before the same is heard the judge may in his discretion require either party to give bond, if the appeal is docketed in the Superior Court.

Benefits to be considered.

Right of appeal.

Judge may require bond on appeal.

SEC. 7. That if bonds are issued for any township, as herein provided for, then the Board of County Commissioners of Randolph County shall, at the regular time for levying taxes for said county, for the purpose of paying the interest on said bonds as it becomes due, and also for the purpose of paying the principal of said bonds as it becomes due, and for maintaining said roads when built and repaired, levy annually a special tax upon all the property located within any township for which said bonds are to be issued, which said taxes shall not exceed forty cents on the one hundred dollars valuation of property and one dollar and twenty cents on the poll, which said taxes shall be collected by the Sheriff of Randolph County and paid over by him to the treasurer of said county for the purposes herein provided for; that so much of same as is necessary shall be applied to the payment of interest on said bonds and the balance set apart and invested by the county commissioners as a sinking fund to pay the principal of said bonds: *Provided*, that the commissioners of said county shall not levy any other special tax for road purposes upon property within that township in which bonds are issued under this act, whether said taxes be now or hereafter authorized.

Special tax.

Limit of rate.

Sinking fund.

Proviso: no other road tax to be levied.

SEC. 8. That whenever two or more townships in said county desire to join in issuing bonds under the provisions of this act, they may join together and petition the board of county commissioners as if they were one township, and all the provisions of this act shall apply to said district as if the same were a township under the provisions of this act.

Townships joining in bond issue.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 839.

AN ACT TO PROVIDE NECESSARY CLERICAL HELP TO
THE INSURANCE DEPARTMENT.*The General Assembly of North Carolina do enact:*Deputy and
accountant.

SECTION 1. Amend chapter eight hundred and thirty, Public Laws one thousand nine hundred and seven, section ten (10), by adding at the end thereof the words "a deputy insurance commissioner and accountant, who shall receive a salary of eighteen hundred dollars (\$1,800) per annum."

Salary.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 840.

AN ACT FOR THE BETTER ENFORCEMENT OF THE GAME
LAW IN CERTAIN COUNTIES.*The General Assembly of North Carolina do enact:*Game-protection
commissioners.

SECTION 1. That the board of county commissioners for the several counties named in this act are hereby constituted game-protection commissioners for their respective counties, for the better protection and preservation of game in the said counties and to secure the better enforcement of the game laws of said counties.

Form of license.

Licenses and other
blanks.

Record of licenses.

SEC. 2. The said game-protection commissioners shall prescribe the form of license for nonresident hunters, and shall furnish to the clerk of the Superior Court of their respective counties all licenses and other blanks required under the game laws, and shall also furnish to the clerks of the Superior Courts a bound book for the purpose of keeping a record of all hunters' licenses that may be issued.

Application for
and issue of
license.

Fees.

License to expire
with hunting
season.
Form and effect
of license.

SEC. 3. Any nonresident of the State of North Carolina who desires to hunt, shoot or trap birds or other animals in any part of said counties shall make application to the clerk of the Superior Court of the county where said applicant desires to hunt, shoot or trap, who shall issue such a license upon payment of a tax of ten dollars and the clerk's fees, amounting to fifty cents. The license shall expire on the termination of the hunting season, as fixed for the said counties. The license shall be of such form as the game-protection commission of either of said counties shall prescribe, and shall entitle the owner to hunt in any county embraced in this act, in the manner provided by law for hunting in such county. Any license granted under this act shall entitle the holder to hunt only in the county issuing the same.

SEC. 4. The funds received by the clerk of the Superior Court or other person from the sale of hunters' licenses shall be turned over to the treasurer, one-half of which shall be turned into the school fund of said county and the other half be set apart as a fund for the enforcement of the game law in said county.

Disposition of
license fees.

SEC. 5. That the board of county commissioners of each of the counties, on the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, shall appoint a chief game warden for their respective counties, who shall hold his office for a term of two years; that it shall be their duty to diligently enforce the game laws of their counties, as hereinafter set forth.

Chief game
warden.

Term of office.

Wardens to
enforce game laws.

SEC. 6. That for more thorough enforcement of the game laws of said counties it shall be the duty of the chief game warden, upon the petition of three freeholders of any township in said county, to appoint deputy game wardens in said township.

Deputy game
wardens.

SEC. 7. That every warden so appointed shall, before entering upon the duties of his office, take and subscribe before the clerks of the Superior Court of their several counties an oath to perform

Wardens to
qualify.

the duties of said office, together with the other oath prescribed for police officers, and execute a bond in the sum of fifty dollars for the faithful discharge of his duties, and the said oath and bond shall be recorded by the clerk in his office, and the warden so

Bond of wardens.

qualified shall possess and exercise all the powers and authority held and exercised by the constable at common law and under

Powers and
authority of
wardens.

statutes of this State: *Provided*, these powers shall only apply to the execution of any paper or papers and proceedings relative to game and game laws. The clerk shall not charge more than fifty cents for taking and recording said oath.

Proviso: powers
only to apply to
game laws.

Clerk's fee.

SEC. 8. That the deputy game wardens shall receive the sum of two and one-half dollars for each nonresident license procured for such nonresident hunter, and for each conviction for the said game laws he shall receive the sum of two and one-half dollars, in addition to fees allowed by law for serving process and other acts as constable.

Fees of deputy
game wardens.

SEC. 9. That the moneys paid out to the chief game warden or his deputies for convictions under this act shall be paid out of the fund for the enforcement of the game law by the treasurer of the county, in the same manner as the county funds are disbursed; and the amount due said wardens and deputies for collecting license taxes shall be retained by them when remitting license taxes to the clerk of the court.

Payments to
game wardens.

Amounts retained
by wardens.

SEC. 10. That said wardens and deputy wardens shall have all the powers given in sections one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy of the Revision of one thousand nine hundred and five and the duties enforced therein; and said sections shall be a part of this act, except that the funds derived from sales under section one thousand eight

Powers and duties
as prescribed in
revisal.

Sections of revisal
made part of act.
Exception.

hundred and seventy shall be paid to the county treasurer and placed to the account of the fund for the enforcement of the game law.

Repealing clause. SEC. 11. That all laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.

Application of act. SEC. 12. That this act shall apply only to the following counties: Beaufort, Hyde, Pamlico, Washington, Tyrrell, Currituck, Camden, Perquimans, Chowan, Randolph, Onslow, Nash, Clay, Stokes, Davie, Madison, Jackson, Sampson, Wilkes, Montgomery, Polk, Pender, Hertford, Wilson, Wayne, Franklin, Macon, Harnett, Duplin, Pasquotank, Gaston, Johnston, Jones, Carteret, Lincoln, Vance, Henderson, Richmond, Forsyth, Yadkin, Caswell, Stanly, Union, Robeson, Cleveland, Mitchell, Swain, Gates, Pitt, Bertie, Warren and Graham. That the license of the Audubon Society shall not be good in the counties named in this act.

License of Audubon society not good.

When act effective.

SEC. 13. That this act shall be in force from and after May first, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 841.

AN ACT TO REGULATE FISHING ON THE CAPE FEAR RIVER AND ITS TRIBUTARIES AND TO PREVENT THE USE OF DUTCH AND POUND NETS.

The General Assembly of North Carolina do enact:

Acts declared unlawful.

Waters affected.

Proviso: traps in Harnett county.

Season for using drift nets.

Misdemeanor.
Punishment.

When act effective.

SECTION 1. That it shall be unlawful to fish with dutch, pod, fyke or other pound nets, or stake or stationary nets, or nets of like kind, in the waters of the Cape Fear River below the mouth of Black River, twelve miles above Wilmington, or in the waters of North East River below the Castle Hayne bridge: *Provided*, that there shall not be any obstruction in the form of traps placed in the Cape Fear River, in Harnett County, to prevent the full passage of fish in said river.

SEC. 2. That drift nets shall be permitted in the waters of the Cape Fear River within the territory described in section one of this act and its tributaries, between February first and May first of each year.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor and fined not less than fifty dollars or imprisoned not less than thirty days.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after January first, one thousand nine hundred and ten.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 842.

AN ACT TO AMEND CHAPTER 224, PUBLIC LAWS 1907.
RELATIVE TO WORKING PRISONERS ON ROADS AT
THEIR OWN REQUEST.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter two hundred and twenty- Law extended.
four, Public Laws of North Carolina, one thousand nine hundred
and seven, be and the same is hereby amended by adding after
the word "Pitt," in line one of said section, the words "and Per-
son."

SEC. 2. This act shall be in force from and after its ratifica-
tion.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 843.

AN ACT TO AMEND SECTION 3733 OF THE REVISAL
OF 1905.*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand seven hundred and Public drunken-
thirty-three of the Revisal of one thousand nine hundred and five ness a misde-
be amended by adding "Catawba" to the list of counties therein meanor.
mentioned.

SEC. 2. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 844.

AN ACT TO PROMOTE HIGHWAYS IN MARS HILL
TOWNSHIP.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Madison Election on bond
County be and it is hereby authorized and empowered, upon a issue to be called
petition of one-third of the qualified voters of Mars Hill Township, on petition.
Madison County, as cast in the last preceding election for Gov-
ernor, at such time or times as in its discretion it may deem best,
to submit the question as to whether or not Mars Hill Township
shall issue bonds in a sum not to exceed the sum of twenty-five Amount.

Use of proceeds. thousand dollars, with interest coupons attached, the proceeds of which shall be used for the purpose of repairing, making, improving, grading and macadamizing the public roads of said township.

Notice of election. The said board of county commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if a majority of the qualified voters of said township shall not vote to issue bonds at the election so held, said board of county commissioners may submit the question to the qualified voters of said township at any other time or times, under the provisions and regulations hereinafter enacted.

Proviso: subsequent elections.

Law governing 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, judges and inspectors of election and any other election officers; that the registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and the said county commissioners may or may not order a new registration for any or all of said elections. The vote shall be counted at the close of the polls, and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Proviso: appointment of election officers.

Registration and challenge of voters.

Count and return of votes. 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.

Canvass of returns and declaration and record of result.

Ballots. SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written or printed upon them "For Good-roads Bond Issue" or "Against Good-roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Good-roads Bond Issue," and all qualified voters opposed to the issuing of the said bonds shall vote "Against Good-roads Bond Issue": *Provided*, that the fees to the registrars and other officers holding said election shall be one-half of the fees allowed by the general election laws.

Proviso: fees of officers.

Record of result. SEC. 4. In the event that the requisite majority of qualified voters of said township shall vote "For Good-roads Bond Issue" at said election, the result shall be declared and recorded in the records of the board of county commissioners of said county; and after the expiration of sixty days from such entry upon the records the same shall not be open to attack, but the record shall be deemed conclusive evidence of the truth thereof. And at the first regular monthly meeting of the Board of Commissioners of Madison County held after said election the said board shall elect three

Record conclusive after sixty days. Election of permanent road commission.

electors, residents of said township, to be known as the Permanent-roads Commission of Mars Hill Township, and their term of office shall continue two years and until their successors shall have been elected and qualified, and the said board of county commissioners shall have power to fill all vacancies, by death, resignation or otherwise, for any unexpired term: *Provided*, that at least one member of said permanent-roads commission shall at all times be a member of a different party from that of a majority of said board of commissioners, said member to be selected from the political party casting the next highest vote to that political party electing the majority of said board of commissioners at the last election of county officers. That as soon as practicable after the election of said members of the permanent-roads commission, they shall meet and organize by electing one of their members chairman of said commission, another of their members secretary, and another or some other suitable person who does not hold any county office at the time of said election treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best: *Provided further*, that the permanent-roads commission shall take an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability; and *Provided further*, that as the terms of office of said permanent-roads commission shall expire the Board of Commissioners of Madison County shall elect their successors to same for a period of two years.

Term of office..

Vacancies.

Proviso: political affiliations.

Commission to meet and organize.
Organization.

Rules and regulations.

Proviso: commissioners to qualify.

Successors.

SEC. 5. The highways to be made, opened, built or improved by the permanent-roads commission under the provisions of this act, shall from time to time be determined upon and designated by the permanent-roads commission and the chairman of 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 township 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 township.

Selection of roads for improvement.

Matters for consideration.

SEC. 6. In the event that the requisite majority of the qualified electors of said township 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 Madison County shall have prepared bonds in the denomination not larger than one thousand dollars and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and the said bonds shall bear a rate of interest, to be determined before the issue thereof by the said board of county commissioners, not to exceed six per centum per annum, with the interest coupons attached, payable semiannually during the time said bonds shall run, and the principal thereof shall be payable twenty-five years from the date of their issue. Said bonds and

Issue of bonds.

Interest.

Maturity.

	coupons shall be payable in standard currency of the United States, at such time and place as shall be designated by the board of commissioners, and both bonds and coupons shall be numbered consecutively, beginning with number one, and both bonds and coupons shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled Mars Hill Township permanent-roads bonds.
Authentication.	
Deposit of bonds.	SEC. 7. Immediately upon the preparation and signing of said bonds, the same shall be deposited in some safe-deposit company or bank, to be designated by the said board of commissioners, to be drawn out on the joint order of said board of commissioners and the said board of permanent-roads commissioners; and said permanent-roads 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 the fund with which to repair, make and improve the public highways of said township
Advertisement and sale of bonds.	as aforesaid; and the expenses of said advertising and selling or any other necessary expenses in regard thereto shall be paid out of the first money arising from the sale of said bonds.
Expense of selling.	
Bonds not sold below par.	SEC. 8. That none of the bonds authorized by this act shall be disposed of by said permanent-roads commission, by sale, exchange or otherwise, for less than their face value and accrued interest, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: <i>Provided, however,</i> that the purchasers of said bonds shall not be required to see to the application of said fund. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due and when payable, and said bonds shall show by what authority they are issued. The said permanent-roads commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their 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 permanent-roads commission shall at all times be open to the inspection of the commissioners of Madison County.
Specific appropriation. Proviso: responsibility of purchaser.	
Record of bonds.	
Proviso: books open for inspection.	
Funds kept separate.	SEC. 9. When any of said bonds are sold, the proceeds of sale shall be turned over to the treasurer of the permanent-roads commission, who shall keep said fund and all other funds which may come into his hands separate from all other funds, and he shall keep separate accounts of the same; and said treasurer shall, annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to Mars Hill Township, in
Separate accounts. Bond of treasurer.	

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 disposing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said permanent-roads commission; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and secretary of said commission. Road orders.

SEC. 10. That in case any election held under the provisions of this act shall be in favor of issuing said bonds, the board of commissioners for the county of Madison shall annually compute and levy, the first Monday in June, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation on which the said board of county commissioners now or may hereafter be authorized to levy taxes for general county purposes, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time as other taxes, and shall be paid over by the sheriff to the treasurer of the Permanent-roads Commission of Mars Hill Township, which officers shall give a justified bond in an amount amply sufficient to cover said taxes, the former officer for collecting and paying over and the latter for safe-keeping and proper disbursement of said funds. Special tax.
Constitutional equation.

SEC. 11. For the purpose of creating a sinking fund with which to pay the principal of the said bonds issued under this act, it shall be the duty of the board of commissioners, at and after the expiration of five years from the date of said bonds, to annually levy and collect a special tax, in addition to that mentioned in section ten of this act, and a tax provided for in this section shall equal in amount one-twentieth of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with interest accumulated from the investment thereof, as provided in section twelve of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said board of commissioners shall cease to levy taxes for said sinking fund. Special tax for sinking fund.
Rate.

SEC. 12. That the taxes levied and collected for the purposes specified in sections ten and eleven of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used for the purposes for which they were levied and collected: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and said board of Taxes kept separate.
Proviso: surplus.

commissioners, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Investment of
sinking fund.

SEC. 13. That it shall be the duty of the permanent-roads commission for Mars Hill Township to annually invest any and all money arising from the special tax collected under section eleven of this act in the purchase of any of said bonds at a price deemed advantageous to said township by the permanent-roads commission, but in case said bonds cannot be purchased the permanent-roads commission may lend said sinking fund on real estate or good personal security. The notes and other evidences of debt given for any loan under this section shall be executed to and in the name of the permanent-roads commission for Mars Hill Township, and in case said permanent-roads commission shall not be able to invest any or all of said money, annually, as directed above, it shall be the duty of said board to cause such parts as they may be unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments as above directed shall be reinvested in the manner as above provided, until said bonds are due.

Use of funds.

SEC. 14. That the said permanent-roads 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 township, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen and laborers as they may deem necessary for the said purpose. The board of county commissioners may from time to time put in the custody and control of the permanent-roads 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 permanent-roads commission all or any part of said machinery and convict force. Said convicts, while in the custody and control of said permanent-roads commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the funds derived from said bonds: and the permanent-roads commission shall have the power and authority to let out a contract or contracts for the construction or improvement of any part of the highways of said township. Upon letting out of any such contract the said permanent-roads commission shall require of the contractor or contractors a bond or bonds in a reasonable amount, to be fixed by said permanent-roads commission, for the full and faithful performance of the contract.

Purchase of tools
and machinery.
Employees.
County machinery
and convict force.

Employment and
expense of convict
force.

Roads may be let
to contract.

Contractors to
give bond.

SEC. 15. That the highways in said township constructed or im- Width of highway.
proved under this act shall not be less than fourteen nor more
than thirty feet wide, at least nine feet of which shall be graded Grade and
and macadamized as soon as is expedient. macadam.

SEC. 16. That as soon as the permanent-roads commission shall Highway super-
deem it necessary they shall elect a highway superintendent for intendent.
the said township and fix his compensation. The result of said
election shall be declared and the result shall be recorded in the
proceedings of said permanent-roads commission. Said persons Superintendent
so elected shall take and subscribe to an oath for the faithful to justify and
performance of his duties as highway superintendent, and shall give bond.
execute an official bond in the sum of one hundred dollars for the
faithful performance of his duties and for accounting for all money
and property which may come into his hands as said officer. Said
bond shall be approved by the said permanent-roads commission.
Said highway superintendent shall hold his office for two years and Term of office.
until his successor be elected and qualified, except that the said Removal for
permanent-roads commission may for any good cause remove said cause.
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 permanent-
roads commission, and shall have such authority and perform such Authority and
duties of
superintendent.
duties as may be from time to time determined by said permanent-
roads commission. The said permanent-roads commission shall Civil engineer.
also have the power and authority in their discretion to employ
a competent civil engineer to assist in the planning and construc-
tion of the highways, and shall be authorized to pay said civil
engineer such sum for his services as in their judgment may be
reasonably fair.

SEC. 17. That said permanent-roads commission shall require the Quarterly
treasurer of said commission to account to them quarterly for the accounts.
said highway fund, and may require, as often as deemed best, Reports from
reports from officers and employees concerning the progress in officers and
their duties and to what extent and in what manner they have employees.
performed the same.

SEC. 18. That in opening new highways, widening and straight- Entry on land for
ening old roads and repairing same, the permanent-roads com- building roads.
mission, through its agents, are hereby authorized to enter upon
any land and locate and build such highways, and if the permanent-
roads commission and the owner or owners of said land cannot
agree as to the damages, if any, the permanent-roads commission
shall, within sixty days after said highway is completed, cause
to have summoned three freeholders, who shall go upon the land
and assess damages and benefits under the general road law
as it now exists, with the right of appeal as provided in special
proceedings: *Provided further*, that before entering upon lands
as authorized by this section, it shall be the duty of the permanent-
Procedure for
assessment of
damages.
Provide: notice to
landowners.

roads commission to serve notice upon the owner or owners of said land, notifying the said owner or owners that the highways are to be located upon such land and under the authority of this act.

County road law not repealed.

SEC. 19. 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 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.

Proviso: convict and free labor kept separate.

Physician for convicts.

SEC. 20. That said permanent-roads 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.

Audit of accounts.

SEC. 21. That the Board of Commissioners of Madison County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff and said board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes, in case any officer fails to account for same.

Fraudulent order misdemeanor.

SEC. 22. That any permanent-roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court, or both, and shall be removed from office; and any permanent-roads 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 permanent-roads commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Punishment.

Failure to perform duty a misdemeanor.

Punishment.

Proviso: road commissioners removable for cause.

Pay of road commissioners.

SEC. 23. That the permanent-roads commissioners shall, for the time they are actually engaged in the performance of their duties as required by this act, receive two dollars a day for their services, to be paid upon the order of the permanent-roads commission out of the funds provided for in this act.

Highway defined.

SEC. 24. 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 public roads in the county.

Proviso: other townships.

SEC. 25. *Provided*, that any township in said county of Madison complying with the provisions of section one of this act shall be

allowed to hold an election to issue bonds, not to exceed twenty-five thousand dollars, for the purpose of repairing, making, improving, grading and macadamizing the public roads of such township, under the rules, regulations and provisions of this act.

SEC. 26. That if any township in Madison County shall vote in favor of bond issue for road improvement as provided by this act, and shall dispose of said bonds agreeable to the provisions of said act, the road commissioners of Madison County shall thereupon furnish, by purchase or otherwise, for the use of such township or townships voting bonds as aforesaid, an outfit for crushing rock, together with necessary drills and other tools for blasting rock, and road roller, and furnish a practical expert to operate the crusher, to be paid for out of the general road fund of the county.

Road machinery
to be furnished
townships.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 845.

AN ACT TO AMEND CHAPTER 964 OF THE PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and sixty-four of the Public Laws one thousand nine hundred and seven be and the same is hereby amended by striking from said chapter section nine and inserting in lieu thereof the following:

"Sec. 9. The superintendent shall once a year make a detailed Annual reports, report of the condition and workings of the institution to the board of directors, and it shall be mandatory upon the members of the said board of directors to hold an annual meeting in the month of November to receive said report. A copy of said report, together with the action of the board with reference to the same, shall be sent to the Governor. The board of directors shall hold such other meetings from time to time, upon the call of the chairman or upon a notice signed by a majority of the members of the board, as the board may deem necessary for the proper control and supervision of the institution."

Meeting of
directors to
receive report.

Copy of report
sent to governor.

Other meetings of
directors.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 846.

AN ACT TO IMPROVE THE HIGHWAYS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Election on bond issue.	SECTION 1. That the Board of Commissioners of Halifax County be and they are hereby authorized and empowered to submit to the vote of the qualified voters of Halifax County, at such time as in their discretion they may deem best, the question "Shall Halifax County, North Carolina, issue one hundred thousand dollars of its bonds, with interest coupons attached, to repair, make and improve
Amount.	the public roads of said county?" Said board of county commissioners shall, for at least thirty days preceding such election, give public notice of said election and purpose thereof, by publication
Notice of election.	in one or more newspapers published in said county: <i>Provided</i> , that if a majority of those voting in said election shall not vote to issue said bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters thereof at any other time or times, under the same rules and regulations as are hereinafter provided.
Proviso: further election.	SEC. 2. That said election shall be held and conducted in the same manner as is now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: <i>Provided, however</i> , that said board of county commissioners shall
Law governing election.	appoint the registrars of election and the judges and inspectors of election and any other election officers, and registration of and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided, and said county commissioners may
Proviso: appointment of registrars and judges.	or may not order a new registration for said election. The vote shall be counted at the close of the polls, and returned to the said board of county commissioners on the Thursday next following
Registration and challenges.	the election, and said county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.
Count and return of votes.	SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of said bonds shall vote "For Good Roads." All qualified electors opposed to the issue of said bonds shall vote "Against Good Roads."
Tabulation, declaration and record of result.	SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads" at said election, and the result shall be recorded and declared as aforesaid,
Ballots.	
Highway commission.	

the Board of Commissioners of Halifax County shall elect seven electors, residents of said county, to be known as the Highway Commission of Halifax County, whose term of office shall be two years: *Provided*, that said board or county commissioners shall have power to fill all vacancies, by death, resignation or otherwise, for an unexpired term. That as soon as practicable after the election of said members of the highway commission, they shall meet and organize by electing one of their members chairman of said commission and another of their members clerk, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the highway commissioners shall take an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability.

SEC. 5. In the event that the majority of the votes cast at said election shall be "For Good Roads," and the result shall be declared and recorded as aforesaid, the Board of County Commissioners of Halifax County shall have prepared bonds in denominations not exceeding one thousand and not less than one hundred dollars, the total amount to be that provided for in the first section of this act: and the said bonds shall bear a rate of interest not exceeding six per cent per annum, with the interest coupons attached, payable semiannually on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of their issue, as the said Board of Commissioners of Halifax County may determine. Said bonds and coupons shall be payable at the office of the Treasurer of Halifax County, North Carolina. Said bonds and coupons shall be signed by the chairman of the said board of commissioners and countersigned by the clerk of said board, and said bonds shall have upon them the seal of said county. The said bonds shall be styled Halifax County highway-improvement bonds.

SEC. 6. Immediately upon preparation and signing of said bonds, the said board of commissioners shall turn over to the chairman of the highway commission all of said bonds, without the county seal having been affixed, and said highway commission shall have the power to advertise and sell any or all of said bonds, at such time or times as they shall deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid. The expense of said advertising and selling or any other necessary expenses in regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the board of county commissioners and collected by the sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the

Term of office.

Proviso: vacancies.

Commission to meet and organize.

Rules and regulations.

Proviso: commissioners to qualify.

Issue of bonds.

Denominations.

Interest.

Maturity.

Authentication.

Delivery of bonds.

Sale of bonds.

Expenses.

Proviso: bonds to be sealed.

custodian of the seal of Halifax County, whose duty it shall be to affix the said county seal to the bond or bonds so sold, and no bond shall be of any value until said seal is so affixed.

Bonds not to be sold below par.

Specific appropriation.

SEC. 7. That none of the bonds authorized by this act shall be disposed of, by sale, exchange or otherwise, for less price than their face value, nor shall said bonds or other proceeds be used for any other purpose or purposes than those declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The said highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings; and when any of the same are sold, the number of bonds, their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute books and all other books kept by the highway commission shall at all times be open to the inspection of the commissioners of Halifax County.

Record of bonds.

Proviso: books open for inspection.

Proceeds kept separate.

SEC. 8. When any of said bonds are sold the proceeds of sale shall be turned over to the Treasurer of Halifax 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 treasurer, before any fund provided for in this act shall be paid over to him, shall execute an official bond, payable to the county of Halifax, in the usual manner, in amount to be fixed by said commission, conditioned for his faithful keeping of the same and rendering a due account in respect thereto, and in all things holding, disbursing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said highway commission; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and clerk of said highway commission.

Bond of treasurer.

Road orders.

Separate tax.

Rate.

Separate fund.

SEC. 9. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Halifax County shall levy annually on the first Monday in June a separate road tax for said county of not exceeding twenty cents on the one hundred dollars' worth of property and not exceeding sixty cents on each poll, the subjects of taxation and levying of taxes to be the same on which the said board of county commissioners now or hereafter may be authorized to levy taxes upon for general county purposes. The taxes so levied shall be collected as other taxes.

and the same shall be a separate fund, applied first to the payment of interest of said bonds, and next to the creation of a sinking fund for the redemption of said bonds, said sinking fund to be placed in the hands of a sinking-fund commissioner elected by the board of county commissioners, and said sinking-fund commissioner to be required to execute a bond every two years, payable to the county of Halifax, in such sum as the board of county commissioners may determine: *Provided*, that the said bond shall never be less than fifty per cent greater than the amount in his hands and supposed to come into his hands during the time covered by said bond. The term of office of the said sinking-fund commissioner shall be for ten years, and the commission allowed for the services of said commissioner shall not exceed one per cent of the amount which may come into his hands. The duties of said sinking-fund commissioner shall be to care for and invest the amounts which may come into his hands, so that the same may increase as fast as possible, and to turn over to his successor the amount which may come into his hands, either principal or interest, during the term of his office. That said sinking-fund commissioner shall make an annual statement (and oftener if deemed necessary by the Board of Commissioners of Halifax County) of all moneys coming into his hands, the manner of their investment, and the interest received thereon, to the Board of Commissioners of Halifax County: *Provided further*, that in case any of the bonds issued under and by authority of this act become due during the term of said sinking-fund commissioner, the said board of county commissioners shall have power to require him (and it shall be his duty) to turn over to the county treasurer a sum sufficient to meet the payment of such bonds.

Sec. 10. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county, and for said purposes they shall have entire charge and control of the chain gang and of all prisoners convicted of crimes and sentenced by the court or courts to terms of penal servitude on said public highways. They may purchase tools, machinery, implements and stock and all other things whatsoever deemed by them necessary for the purpose of working the convicts or hired free labor on public highways in said county. It shall be the duty of the board of county commissioners, whenever called upon by said highway commission, to turn over to said highway commission all convicts, tools, machinery, appliances and stock which may be in their hands, with which they have been preparing material for working the public roads of the county.

Sec. 11. That as soon as the highway commission shall deem necessary, they shall elect by ballot a highway superintendent for said Halifax County and fix his compensation. The result of said

Application.

Sinking-fund
commissioner.

To give bond.

Proviso: bond of
commissioner.

Term of office.

Commission.

Duties of com-
missioner.Annual state-
ments.Proviso: payment
of bonds.Powers and duties
of highway com-
mission.Highway super-
intendent.

Superintendent to qualify and give bond.	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 for the faithful execution of his duties and for accounting for all money and property which may come into his hands as said officer.
Term of office.	Said bond shall be approved by said highway commission. Said highway superintendent shall hold his office for two years and until his successor is elected and qualified, except that the said highway commissioners may for any good cause remove said highway superintendent from his office and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by said highway commission. Said highway superintendent shall direct the laying out of the highways, with the aid of an engineer experienced in such work. Said highway superintendent shall have control over and direct the working of the convicts in Halifax County, and shall also have control over and direct all other labor as may be deemed by the highway commission proper to be employed on said roads and to be paid for out of funds herein provided. It shall be his duty to employ the overseers of the chain gangs or the convict forces and such other forces as it may be deemed by the highway commission expedient to employ, and the necessary servants and guards for the working and caring for the convicts worked under and by authority of law. He shall prescribe the duties of the overseers and may discharge them at any time for cause; all of which duties of said highway superintendent shall be subject to the approval of the highway commission.
Removal for cause.	
Powers and duties of superintendent.	
Entry on land for building roads.	SEC. 12. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission, through their agents, are hereby authorized to enter upon any land and locate and build such highways; and if the highway commission and the owner or owners of said land 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: <i>Provided further</i> , that before entering upon land as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highway would be located upon such land under the authority of this act.
Procedure for assessment of damages.	
Proviso: notice to be given land-owners.	
Further enumeration of powers of commission.	SEC. 13. That said highway commission shall have entire control and supervision of the working and repair of all public roads in the county, and it shall have power to appoint such officers in

the various townships and road districts as they may deem best to work and keep in repair the roads in each township and district, to fix their compensation, to direct when and how such roads shall be worked, to provide for the employment and compensation of the necessary labor for that purpose, and in all respects to superintend, direct and control such work. All expenses and costs of such work shall be paid out of the road fund hereinbefore provided for.

SEC. 14. That said highway commission shall be entitled to the same per diem and mileage as the Board of Commissioners of Halifax County.

SEC. 15. That said highway superintendent provided for in this act shall have the care and charge of all tools and appliances, shall make an inventory of the same, and furnish said inventory to the highway commission, and shall look after the safety of all such tools, machinery and appliances, and the said superintendent shall be responsible for the loss of the same, resulting from carelessness or neglect.

SEC. 16. That the Board of Commissioners of Halifax County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff and county treasurer, and said board of county commissioners may institute and prosecute any necessary action for the recovery of any such road taxes, in case any officer fail to account for the same.

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 fined or imprisoned at the discretion of the court, or both, and shall be removed from office; and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not less than twenty dollars nor more than one hundred dollars: *Provided further*, the board of county commissioners may for good and sufficient cause remove any one or more of the said highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

SEC. 18. That all expenses incurred by the highway commission on account of meetings held by reason of duties imposed by this act shall be paid, upon their order, out of the funds provided for by this act.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

Pay of commissioners.

Care of tools and appliances.

Inventory.

Responsibility.

Audit and settlement of sheriff's accounts.

Fraudulent order misdemeanor.

Punishment.

Neglect of duty misdemeanor.

Punishment.

Proviso: highway commissioners removable for cause.

Payment of expenses.

CHAPTER 847.

AN ACT TO PREVENT THE DEPREDDATION OF DOMESTIC FOWLS.

The General Assembly of North Carolina do enact:

Fowls not to run at large.

SECTION 1. That it shall be unlawful for any person in the county of Rowan to permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large, after being notified as in section two of this act, on any lands that may be cultivated in any kind of grain or feed stuff or used for gardens or for ornamental purposes.

Misdemeanor.

SEC. 2. That any person so permitting his fowls to run at large, after being notified to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five dollars; or if it shall appear to any justice of the peace that, after two days' notice, any person persists in allowing his fowls to run at large and fails or refuses to keep them up, then said justice of the peace may order any sheriff, constable or other officer to kill said fowls, or said justice of the peace may in his discretion deputize the complaining party to kill fowls when so depredating.

Punishment.

Justice may order killing of fowls.

When act effective.

SEC. 3. That this act shall be in full force and effect from and after April first, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 848.

AN ACT TO AMEND CHAPTER 213 OF THE PUBLIC LAWS OF 1905, TO COMPEL ATTENDANCE OF INDIANS AT SCHOOL.

The General Assembly of North Carolina do enact:

School age.

SECTION 1. That in line three of section two of chapter two hundred and thirteen, Public Laws of one thousand nine hundred and five, the word "seventeen" be stricken out and the word "nineteen" be inserted in lieu thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 849.

AN ACT TO REGULATE THE COMPENSATION OF THE
COUNTY OFFICERS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Cleveland County shall receive in full compensation for his services in collecting the taxes from the taxpayers of said county and paying same over to the proper custodians of the fund the sum of three per cent commission on the amount collected, and this shall be in lieu of the commission now allowed by law for the collection of said taxes. The sheriff of said county shall receive the same fees and commissions as now allowed by law for the performance of his official duties as sheriff, including his fees as jailer, other than the collection of taxes as herein provided; that all the taxes of Cleveland County required to be placed in the hands of the sheriff of said county on the first Monday in September of each year shall be collected by him and turned over to the proper custodians of the fund on or before January first following: *Provided*, that the sheriff shall receive no commission where any bill providing for the levy of any tax now or hereafter adopted for said county prohibits the sheriff receiving any commissions on the taxes collected under it by him.

Commissions as
tax collector.

Other fees and
commissions.

Time for collection
of taxes.

Proviso: com-
missions forbidden
by special law.

SEC. 2. That the Treasurer of Cleveland County shall receive his commissions, as now allowed by law, on the receipts and disbursements of the funds coming into his hands: *Provided*, that he shall receive no commissions on the funds disbursed by him in the payment of or redemption of any bonds now outstanding against said county, nor on the receipts or disbursements of any funds which may come into his hands by reason of any bonds which may hereafter be issued by said county or for any portion of said county.

Commissions of
treasurer.

Proviso: commis-
sions on bond
funds.

SEC. 3. That the Register of Deeds of Cleveland County shall receive a salary of eighteen hundred dollars (\$1,800) per annum in lieu of all other compensation whatever. The register of deeds may appoint and employ a competent deputy to assist him in the discharge of his duties, and he shall pay said deputy out of the salary herein provided, and shall receive no further compensation on account of said deputy. Said register of deeds shall be liable on his official bond for the official acts of said deputy. That the salary herein provided shall be paid to the said register of deeds monthly by the Treasurer of Cleveland County, out of the general county funds, upon proper warrant drawn for same. The board of commissioners of said county may allow claims for the necessary stamps and stationery for said register of deeds for his official correspondence, when said claims are properly verified.

Salary of register
of deeds.

Deputy.

Stamps and
stationery.

SEC. 4. That the register of deeds of said county shall collect, faithfully account for and, on the first Monday in each month,

Register of deeds
to collect and pay
over fees.

Verified statements.

turn over to the Treasurer of Cleveland County, accompanied by verified statement that same is correct, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to him by virtue of his office. Said statement shall be recorded by said treasurer in a book to be kept by him for that purpose, and said book shall be open at all times for the inspection of any taxpayer of said county, and the county commissioners may at any time have the books of said register of deeds properly audited. The treasurer shall place the funds so turned over to him by said register of deeds in the general county fund. Said register of deeds shall be responsible on his official bond for all fees for marriage license, recording all kinds of papers and the other fees of his office, and he shall collect all of said fees in advance, and he shall not mark said papers "File" nor record same until said fees are paid.

Bond of register liable.

Fees paid in advance.

Allowance to officers capturing distillers or destroying stills.

SEC. 5. That the Board of Commissioners of Cleveland County be and they are hereby authorized and empowered to pay the necessary and reasonable expenses and allow reasonable charges to any officer of said county or any police officer of any incorporated town in said county who shall arrest any illicit distillers or blockaders or who shall cut up and destroy any blockade or illicit stills, and this compensation shall be sufficient to enable the officer to pay such deputies or assistants as may be required to assist him in making the arrests or cutting up or destroying said stills.

Officers to perform duties.

SEC. 6. That 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.

Pains and penalties.

When act effective.

SEC. 7. That section five of this act shall be in force from and after its ratification, and that all other sections of this act shall be in force and effect after the first Monday in December, one thousand nine hundred and nine: *Provided*, that the sheriff's commissions, as specified in section one of this act, shall not apply to the tax list for the years one thousand nine hundred and nine and one thousand nine hundred and ten.

Proviso: tax lists of 1909 and 1910.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they relate to Cleveland County.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 850.

AN ACT TO REGULATE THE HOLDING OF PRIMARIES AND
PRIMARY ELECTIONS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political primary election held by any political party, organization or association for the purpose of choosing candidates for State, congressional, district, county, city and township officers shall be presided over and conducted in the manner prescribed by the rules of the political party, organization or association holding such primary election, not inconsistent with the provisions of this act, by three managers, selected in the manner prescribed by the rules of the party holding such primary election. Such managers shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will faithfully, impartially and honestly conduct the same according to the rules of such party and the provisions of this act. Should one or more of the managers appointed to hold such election fail to appear on the day of the election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The manager shall take the oath herein prescribed before a notary public or justice of the peace or other officer authorized to administer oaths, but if no such officer can be conveniently found the managers may administer the oath to each other.

Conduct and management of primary elections.
Managers to qualify.
Vacancies.

SEC. 2. Before any ballots are received at such election, and immediately before opening the polls, such manager shall open each ballot box to be used in such election and exhibit the same publicly to show that there are no ballots in such box. They shall then close, lock or seal the box, except the opening to receive the ballots, and shall not again open same until the close of the election. They shall keep a poll list, with the name of each voter voting in said election, and shall, if a voter is challenged for any cause by any elector, before receiving his ballot, administer to the voter an oath that he is duly qualified to vote 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 result of such election and transmit such certificate, with the poll lists, tally sheets and all other papers relating to such election within the time prescribed, to the person or persons designated by the rules of the party, organization or association holding such election.

Ballot boxes to be opened and exhibited.
Poll lists.
Oath of voters.
Returns.

SEC. 3. Every such primary election shall be held at the time and place and under the regulations prescribed by the rules of the party holding the same, and the returns shall be made and the result declared as prescribed by such rules; but the returns of the

Regulations prescribed by party.
Returns and other papers to be filed.

manager or managers, with the poll lists, tally sheet and other papers hereby required to be returned, shall be filed in the office of the Clerk of the Superior Court of Union County, except when the election is a city election, in which case they shall be filed in the office of the city clerk within twenty-four hours after the final declaration of the results thereof, and shall remain there for public inspection.

SEC. 4. Any manager who shall be guilty of unlawfully violating any of the duties devolving upon such position herein shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars or 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 or imprisoned in the discretion of the court.

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.

SEC. 6. That in such primary election only those shall be allowed to vote who are qualified under the rules as prescribed by the party, organization or association holding the election, and who are also qualified voters in the election for which candidates are then being nominated, and whose names appear on the registration books of that precinct or city in which they are attempting to vote: *Provided*, that anyone claiming¹ to have a right to vote at the primary election in any precinct or city, and whose name does not appear upon the registration books, shall have the right to vote in such precinct or city primary only after taking and subscribing an oath that he is duly qualified to vote in such precinct or city primary according to the rules of the party and the laws of the State, or otherwise satisfying the managers of his right to vote, and such managers may allow anyone to vote who may become qualified to vote in the general election for which said primary is held, and who is not qualified by reason of age or residence to vote in said primary.

SEC. 7. It shall be the duty of any person who may be appointed by his party, in any capacity, 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 his instruction, 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: *Provided*, that when delegates are elected to State, congressional, senatorial or district conventions they shall be bound by their instructions until a majority of delegates present do vote that there is no further use in abiding by said instructions, after which each delegate may vote as he may see proper.

SEC. 8. If any voter, having participated in one party primary election, shall vote or attempt to vote in a different party primary election held for a similar purpose during the same political campaign, he shall be guilty of fraudulent voting, and upon conviction shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter, having voted once in said primary election, shall vote or attempt to vote a second time in the said election, at the same or different polls, he shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Voting at different primaries fraudulent.

Repeating a misdemeanor.

Punishment.

SEC. 9. If any person shall attempt to influence the vote of another by the use of any intoxicating liquors, or if bribe be offered to bribe any voter by the promise of anything as a reward to be delivered or as a service to be performed prior to, at the time of, or subsequent to such primary election, and any person who shall accept any bribe or other thing of value for his vote or influence in such primary election shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Use of liquor, bribery and accepting bribes misdemeanor.

Punishment.

SEC. 10. It shall be unlawful for any person, firm or corporation to sell or give away any spirituous, vinous or malt liquors, beer or cider within such county or city during the time of holding a primary election under the provisions of this act: *Provided*, this act shall not apply to the keeper of the medical depository of Union County.

Sale or gift of liquors forbidden.

Proviso: medical depository.

SEC. 11. That the custodian of any registration book in the county of Union shall, on demand, allow any person to make a copy of such registration books; and such custodian shall, upon demand and upon the payment of fifteen cents for each one hundred names, furnish to any chairman or manager of any political party a certified copy of the registration book of any precinct or of the registration book of any city or town in said county.

Copies of registration books.

SEC. 12. The polls shall be open on the day of the primary election for such length of time and at such places as the executive committee of the party holding such primary election may name, and no longer; and each elector whose name shall appear upon the registration book or on the certified copy of the registration book, and who shall not be challenged and rejected, and such others as may be qualified as hereinbefore set out, shall be entitled to vote. A space of not more than fifty feet in every direction from the polls or room in which such primary election is held shall be kept clear of all persons except the election officers herein provided for, which space may, if the executive committee of the party holding the said primary election so direct in any precinct or city polling place, be railed or roped off, with a narrow passage leading to and from the polls; and each elector may be required to approach the polls from one direction through the said passage, and, after his

Hours of election.

Persons entitled to vote.

Space for voters.

Passage to polls.

Communication with voter forbidden.	ballot is deposited in the box, with as little delay as possible, to depart by the passage leading from the polls. Only one elector shall enter said passage leading to the polls at one time. After the elector has entered the passage, no one except the election officers 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 make signs to anyone except the election officers or challengers until his ballot has been deposited in the box and he has passed out of the enclosure. The said railed or roped space shall at all times during the hours for balloting be kept open and cleared of all persons except the officers aforesaid, and it shall be the duty of said election officers or managers of election to keep such space clear and open. The executive committee of the county or city, as the case may be, may appoint for each polling place one or more discreet persons as challengers; and in the event of the said executive committee failing to appoint such challengers the managers of the primary election, or either of them, shall act as such challenger; and if the vote of any elector shall be challenged; then the election officers or managers may permit within the enclosure such witness as either challenger or elector may desire.
Space to be kept open and clear.	
Challengers.	
Witnesses allowed within enclosure.	
Preservation of ballots.	SEC. 13. After the ballots are counted they shall be carefully preserved and kept by the managers until after the election for which the nomination was made.
Notice of candidacy.	SEC. 14. That the several candidates for office shall, at least ten days prior to any primary election, file with the Clerk of the Superior Court of Union County or, in the event a city primary is held, with the city clerk a notice, in writing, that he will be a candidate in such primary election and the office for which he will be a candidate, which notice shall be signed by him, and the said clerk shall endorse on the back of each said notice the date filed in his office, and shall preserve the same, subject to the inspection of any elector. That the chairman of the executive committee of any political party holding such primary election shall have ballots prepared containing the names of the candidates and the offices for which they are candidates. Each ballot shall be on plain white paper and without device. The name of each candidate coming before any primary shall be on the same ballot, and opposite each name shall be a square, and the elector shall make a cross (X) mark in the square opposite the name of the candidate for whom he desires to vote. The name of no candidate shall be placed on a ticket unless notice has been given as herein provided, and no ballot as herein provided shall be printed or distributed by any candidate or other person prior to or at the time of such primary, and no other ballot shall be voted except such as is furnished to the voter at the time he applies to vote.
Preparation of ballots.	
Specifications for ballots.	
Printing and distribution of ballots.	
Assessment of candidates.	SEC. 15. To provide funds for holding such primary elections and paying the expenses thereof, each candidate for State, congressional, district, county or other offices, except township and city

offices, shall, twenty days before such primary election, pay to the chairman of the executive committee of the party holding such primary election the sum of five dollars, and unless that sum is paid the said chairman shall not place or allow to be placed the name of such candidate on the ticket, and only the name of those candidates complying with the provisions of this act shall be placed upon the ticket: *Provided*, that if there is any surplus after paying all the expenses of said primary election, said surplus shall be prorated among the candidates. That the said chairman of the said executive committee shall, not later than sunset of the day preceding such primary election, deliver to the manager or managers of each precinct or polling place three times as many of the said printed ballots as the registration books or certified copy of the registration books shall show that there are electors in said precinct or ward, and it shall be the duty of said manager or managers to have said ballots or tickets at the polling place at the time designated for opening said primary election, and shall cause the same to be placed and kept at said polling place, and shall not allow any of said tickets to be taken away, marked or handled by anyone except the electors as they may present themselves for the purpose of voting, and such ticket shall be marked as herein provided by the elector himself or by one or more of the said managers at the request of the elector. And such manager or managers shall give to each elector presenting himself to vote a ticket, which the said elector shall mark so as to vote for the candidates of his choice, or cause the same to be so marked by one or more of said managers, and said ticket, when so marked so as to express the choice of the elector, shall be deposited by the elector, and no other, except that either one of the managers may deposit said ticket when requested to do so by the elector. Each elector shall make a cross (X) mark with ink or pencil in the square opposite the name of the candidate or candidates for whom he proposes to vote in said primary election: *Provided*, that if any elector by his ballot votes for more candidates than he is entitled to vote for in said primary election, such ballot shall not be counted, except for those candidates for whom he votes properly: *Provided further*, that any manager assisting any elector to prepare his ballot who shall willfully fail to prepare said ballot as directed by said elector shall be guilty of fraud, and upon conviction shall be fined not more than five hundred dollars or imprisoned not more than six months, in the discretion of the court.

Proviso: division of surplus.

Ballots delivered to managers.

Ballots to be kept at polling place.

Marking tickets.

Ticket furnished voter.
Marking ticket.

Deposit of ticket.

Method of marking ticket.

Proviso: ballots not counted.

Proviso: manager in marking ballot guilty of fraud.

Punishment.

SEC. 16. It shall be the duty of the chairman of the executive committee of the party holding such primary election to cause to be printed the tickets as herein provided, and distributed in the manner herein mentioned, and to assist the manager or managers in securing a certified copy of the qualified electors of any precinct, when requested to do so.

Duty of chairman of executive committee.

Place of holding
primary.

SEC. 17. For the purposes of this act it shall be deemed sufficient compliance with this act to hold such primary in a building or room, in which are admitted only the said managers and the elector, who shall be admitted singly and shall leave said room or voting place before another is admitted.

Itemized and
verified state-
ments of expense.

SEC. 18. It shall be the duty of each candidate when called upon to do so by any other candidate for such office, to file an itemized and verified statement of all moneys expended by him during the campaign in which he was a candidate, and all moneys or other thing of value expended by himself or anyone for him, to his knowledge. This statement shall be filed with the clerk of the court or clerk of the city, as the case may be, at such time as the executive committee of the party holding such primary may designate; and it shall be the duty of any manager of another campaign or person taking an active interest in behalf of any candidate or against the interest of any candidate, upon request of the chairman, for any member of the executive committee of the party holding such election, to file a like statement in like manner, and any candidate or manager or other person as herein provided failing to comply with 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.

Statements filed
by campaign
managers and
workers.

Failure a misde-
meanor.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 851.

AN ACT TO AMEND CHAPTER 850 OF THE PUBLIC LAWS OF 1907, IN REFERENCE TO THE SEPARATION OF RACES IN STREET CARS.

The General Assembly of North Carolina do enact:

Nurses.

SECTION 1. That chapter eight hundred and fifty (850) of the Public Laws of one thousand nine hundred and seven be amended by striking out all of section seven thereof after the word "to," in line one thereof, and adding the words "nurses or attendants of children or of the sick or of the infirm of a different race, while in attendance upon such children, sick or infirm persons."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 852.

AN ACT TO REPEAL CHAPTER 924 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE ENCOURAGEMENT OF IMMIGRATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and twenty-four of the Law repealed. Public Laws of the session of one thousand nine hundred and seven be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 853.

AN ACT TO AMEND SECTION 1689 OF THE REVISAL OF 1905, RELATIVE TO CONTRACTS KNOWN AS "FUTURES."

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and eighty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the word "agency" and the word "this," in line forty, the following: "nor shall the courts of this State have any jurisdiction to entertain any suit or action brought upon a judgment based upon any such contract." Jurisdiction
divested.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 854.

AN ACT TO PREVENT THE BURNING OF BOATS.

The General Assembly of North Carolina do enact:

SECTION 1. If any person, with the intent to destroy same, shall Felony. willfully and maliciously or for a fraudulent purpose set fire to and burn any boat, barge or float, whether he be the owner thereof or not, he shall be guilty of a felony and punished by imprisonment Punishment. in the State's Prison for not less than four months nor more than ten years, or fined in the discretion of the court.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 855.

AN ACT TO AMEND CHAPTER 464 OF THE PUBLIC LAWS
OF 1907.*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section one of chapter four hundred and sixty-four of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by inserting after the word "trains" and before the word "shall," in line three thereof, the following: "or brasses, composition, metal or copper of the kind or quality used by manufacturing or power plants."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 856.

AN ACT TO AMEND SECTION 4129 OF THE REVISAL OF 1905
OF NORTH CAROLINA, RELATING TO THE FORMATION
OF SCHOOL DISTRICTS.*The General Assembly of North Carolina do enact:*Territory
required.
Natural barriers.

SECTION 1. That section four thousand one hundred and twenty-nine of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by inserting in line nine thereof, after the word "age" and before the word "nothing," the following words: "unless such district shall contain at least twelve square miles or shall be separated by dangerous natural barriers from a schoolhouse in the district of which the proposed new district is a part."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 857.

AN ACT TO REQUIRE EMPLOYERS OF FEMALE EM-
PLOYEES TO PROVIDE SEATS THEREFOR.*The General Assembly of North Carolina do enact:*Seats to be pro-
cured and pro-
vided.

SECTION 1. That all persons, firms or corporations who employ females in a store, shop, office or manufacturing establishment, as clerks, operatives or helpers in any business, trade or occupation carried on or operated in the State of North Carolina, shall be

required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools as may be necessary, and shall not make any rules, regulations or orders preventing the use of such seats, stools or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment. Use of seats to be permitted.

SEC. 2. If any employer of female help in the State of North Carolina shall fail, neglect or refuse to provide seats, as provided in this act, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders or regulations in his or its shop, store or other place of business requiring females to remain standing when not necessarily employed or engaged in service or labor therein, he 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, in the discretion of the court. Misdemeanor.
Punishment.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 858.

AN ACT TO PREVENT BLACKLISTING OF EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, such person, agent or corporation shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person or agent of any company or corporation from informing, in writing, upon request, any other person, company or corporation to whom such discharged person or employee has applied for employment a truthful statement of the reason for such discharge. Preventing or attempting to prevent employment misdemeanor.
Punishment.
Penal damages.
Truthful statement of reason for discharge may be given.

SEC. 2. That it shall be unlawful for two or more persons to agree together to blacklist any discharged employee or to attempt, by words or writing or any other means whatever, to prevent such discharged employee or any employee who may have voluntarily left the service of his employer from obtaining employment with Agreement to blacklist or prevent employment misdemeanor.

Punishment.

any other person or company. Such persons violating the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 859.

AN ACT TO VALIDATE CERTAIN DEEDS AND CONVEYANCES OF CORPORATIONS PRIOR TO JANUARY 1, 1900.

The General Assembly of North Carolina do enact:

Deeds signed by president and attested by witness declared valid.

SECTION 1. All deeds and conveyances for land in this State, made prior to January first, one thousand nine hundred, by the president of any corporation duly chartered under the laws of this State, and attested by a witness, is hereby declared to be a good and valid deed by such corporation for all purposes, and shall be admitted to probate and registration and shall pass title to the property therein conveyed to the grantee as fully as if said deed were executed according to provisions and forms of law in force in this State at the date of the execution of said deed: *Provided*, this act shall not apply to suits now pending.

Proviso: pending suits.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 860.

AN ACT TO AMEND SECTION 5006 OF THE REVISAL OF 1905, SO AS TO PROVIDE THAT THE KEEPER OF THE CAPITOL SHALL EMPLOY SERVANTS FOR THE EXECUTIVE MANSION.

The General Assembly of North Carolina do enact:

Domestic servants.

SECTION 1. That section five thousand and six of the Revisal of one thousand nine hundred and five be amended by adding after the word "grounds," in line twelve, the following words: "and domestic servants for the Executive Mansion"; and that said section be further amended by adding at the end thereof the following: "*Provided*, that the compensation of said domestic servants shall not exceed seven hundred and fifty dollars per annum."

Proviso: limit of compensation.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 861.

AN ACT TO AMEND CHAPTER 792, PUBLIC LAWS OF 1907,
RELATING TO THE DUNN ROAD DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and ninety-two (792), Public Laws of one thousand nine hundred and seven, be and the same is hereby amended as follows: In section two, line twenty-one, strike out the word "three" and insert in lieu thereof the word "two," and in section three of said chapter and in line one thereof strike out the words "resident in said district" and insert at the end of the second line of said section the words "on account of any crime committed within said district."

SEC. 2. That section eleven of said chapter be amended by adding at the end of said section the following words: "and if the said Board of Commissioners of Dunn Road District shall by resolution determine to require male persons liable to road duty to work on the roads of said district, as is provided by the general road law of the State, then it shall be the duty of all able-bodied persons residing in said district and subject to road duty under the general road law to work the public roads of said district under the supervision and direction of the superintendent of said district or an overseer thereof appointed by the commissioners of said district, upon being notified by said superintendent or overseer or by his deputy, for six days in each year, under the pains and penalties prescribed by the general road law for failure to work the public roads, or in lieu thereof any such person may pay to the treasurer of said Dunn Road District an annual tax of not exceeding three dollars (\$3), to be fixed by said board of commissioners, and upon payment of said tax any person so paying the same shall be exempt from road duty for the year said tax is paid, said tax to be due and payable for the year one thousand nine hundred and nine, upon the ratification of this act, and for each year thereafter, on the first day of January: *Provided*, that any person becoming liable to work the roads of said district after the first day of January may be relieved from the payment of a just proportion of said annual tax, under rules and regulations to be fixed by said board of commissioners."

SEC. 3. That said chapter seven hundred and ninety-two, section thirteen, be amended by inserting after the words "Dunn, North Carolina," in line thirteen, the words "or any constable residing in said district or other lawful officer authorized to serve process in said district."

SEC. 4. That the provisions of the general road law, except as modified by said chapter seven hundred and ninety-two, Public Laws of one thousand nine hundred and seven, or as modified by

Pay of road commissioners.

Convicts.

Road duty.

Commutation.

Commutation payable.

Proviso: relief for persons becoming liable during year.

Process for assessment of damages.

General road law applicable.

Proviso: officers
charged with
duties.

this act, shall be applicable in all respects in working the public roads of Dunn Road District: *Provided*, that the duties therein prescribed to be performed by the township road supervisors shall be performed by the commissioners of said district, and the duties therein directed to be performed by any overseer shall be performed by the superintendent of said district, an overseer or agent appointed by the commissioners of said district.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 862.

AN ACT TO AMEND SECTION 3340 OF THE REVISAL OF 1905, RELATIVE TO THE BURNING OF HOUSES.

The General Assembly of North Carolina do enact:

House to be
occupied.

SECTION 1. That section three thousand three hundred and forty, chapter eighty-one of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "unoccupied," in line four of said section.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 863.

AN ACT TO CHANGE THE LINE BETWEEN COLLEGE HILL AND MOUNT PROSPECT GRADED-SCHOOL DISTRICTS, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Changes in lines.

SECTION 1. That section one of chapter seven hundred and forty-six, Public Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out, between the words "Steve Hinson's," in line seven, and the word "thence," in line nine of said section, the words "thence to and including R. C. Nesbit's; thence to and including A. M. Nesbit's; thence to and including J. G. Starnes'." so as to make the line between said school dis-

tricts run as follows: Beginning at the corner of College Hill District, in the Mount Prospect line at Caine Creek Baptist Church; thence to the bridge on Caine Creek, above R. C. Nesbit's, connecting with the line between said districts; from thence to the Flag Pond on the Monroe and Lancaster Road, this making the entire line between said districts straight.

SEC. 2. That this act shall not be in force or effect until ratified and approved by the Board of Education of Union County.

Ratified this the 8th day of March, A. D. 1909.

Act to be approved by county board of education.

CHAPTER 864.

AN ACT TO PROVIDE FOR THE HOLDING OF SUPERIOR COURTS IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be amended by striking out all after the words "Eighth District," on page four hundred and fifty, down to the words "Ninth District," on page four hundred and fifty-one, and inserting in lieu thereof the following:

"The Eighth District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:

"Anson County—Seventh Monday before the first Monday in Anson county. March, for the trial of criminal cases exclusively; first Monday in March for the trial of civil cases exclusively; sixth Monday after the first Monday in March, to continue two weeks, the second week for the trial of civil cases exclusively; fourteenth Monday after the first Monday in March, for the trial of civil cases exclusively; first Monday after the first Monday in September, for the trial of criminal cases exclusively; the fourth Monday after the first Monday in September, to continue two weeks, for the trial of civil cases exclusively.

"Chatham County—Fourth Monday before the first Monday in Chatham county. March; ninth Monday after the first Monday in March; fourth Monday before the first Monday in September; tenth Monday after the first Monday in September.

"Lee County—Fourth Monday after the first Monday in March; Lee county. seventh Monday before first Monday in September, to continue two weeks; eleventh Monday after the first Monday in September.

"Moore County—Sixth Monday before the first Monday in Moore county. March, for the trial of civil cases exclusively; third Monday before the first Monday in March, for the trial of criminal cases exclusively; eleventh Monday after the first Monday in March, for the

trial of civil cases exclusively; third Monday before the first Monday in September, for the trial of criminal cases exclusively; second Monday after the first Monday in September, for the trial of civil cases exclusively; fourteenth Monday after the first Monday in September.

Richmond county. "Richmond County—Eighth Monday before the first Monday in March, for the trial of criminal cases exclusively; fifth Monday after the first Monday in March, for the trial of civil cases exclusively; twelfth Monday after the first Monday in March; first Monday in September, for the trial of criminal cases exclusively; third Monday after the first Monday in September, for the trial of civil cases exclusively; thirteenth Monday after the first Monday in September, for the trial of civil cases exclusively.

Scotland county. "Scotland County—First Monday after the first Monday in March, for the trial of civil cases exclusively; eighth Monday after the first Monday in March, for the trial of criminal cases exclusively; thirteenth Monday after the first Monday in March; seventh Monday after the first Monday in September; twelfth Monday after the first Monday in September.

Union county. "Union County—Fifth Monday before the first Monday in March, for the trial of criminal cases exclusively; second Monday after the first Monday in March, for the trial of criminal cases exclusively; second Monday before the first Monday in March, to continue two weeks, for the trial of civil cases exclusively; fifth Monday before the first Monday in September, for the trial of criminal cases exclusively; second Monday before the first Monday in September, to continue two weeks, for the trial of civil cases exclusively; eighth Monday after the first Monday in September, to continue two weeks."

When act
effective.

SEC. 2. This act shall be in force from and after the first day of July, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 865.

AN ACT TO AMEND SECTION 3803 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact :

Butchers to keep
records.

SECTION 1. That section three thousand eight hundred and three of the Revisal of one thousand nine hundred and five be amended by inserting the words "Harnett and Gates" after the word "Chowan," in line ten thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 866.

AN ACT TO COMPEL EXPRESS COMPANIES TO MAKE
PROMPT SETTLEMENTS OF CASH-ON-DELIVERY SHIP-
MENTS.*The General Assembly of North Carolina do enact:*

SECTION 1. That every express company which shall fail to make settlement within twenty days. Settlement within twenty days.

settlement with the consignor of a cash-on-delivery shipment, either by payment of the moneys stipulated to be collected upon the delivery of the articles so shipped or by the return to such consignor of the article so shipped, within twenty days after demand made by consignor and payment or tender of payment by consignor of the lawful charges for transportation, shall forfeit Penalty for delay

and pay to such consignor a penalty of twenty-five dollars, where the value of the shipment is twenty-five dollars or less, and where the value of the shipment is over twenty-five dollars a penalty equal to the value of the shipment, the penalty not to exceed fifty dollars in any case; *Provided*, no penalty shall be collectible Proviso: penalty discharged.

where the shipment, through no act of negligence of the company, is burned, stolen or otherwise destroyed: *Provided further*, that Proviso: penalty not in derogation of right to damages.

the penalties herein provided shall not be in derogation of any right the consignor may now have to recover of the company damages for the loss of any cash-on-delivery shipment or negligent delay in handling the same.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March. A. D. 1909.

CHAPTER 867.

AN ACT TO PRESERVE THE INTEGRITY OF THE BALLOT
AND PREVENT ELECTION FRAUDS IN NEW HANOVER
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That at and in any and all elections hereafter to be Ballots.

held in the county of New Hanover, whether for the election of presidential or vice presidential electors or State or township or county officials, or for city officers or officials, or any or all of such officers or officials, the votes shall be by ballots printed in accordance with the requirements of this act and distributed at public expense, and no other ballots shall be used.

Expenses paid by
county.

SEC. 2. That the printing and delivery of ballots and instructions to voters, judges of election and poll holders, as hereinafter provided for and described, shall be paid for by the county in all elections whatsoever, excepting in purely municipal elections in the city of Wilmington, and all expenses connected with such municipal elections shall be paid for by the city.

Expenses paid by
city of Wilmington.

Specifications for
ballots.

SEC. 3. That the names of all candidates to be voted for in each precinct in said county or city shall be printed on one ballot. The names of all those who have been duly nominated by any political party or organization of citizens shall be placed under the appellation or title of such party or organization of citizens, and the ballot shall contain no other names, except in the case of the election of electors of the President and Vice President of the United States; then the names of presidential and vice presidential candidates may be added under the party or political designations. If a constitutional amendment or other public measure be submitted to the people, the question shall be printed on the ballots after the lists of candidates. All ballots shall be of plain white paper, through which printing or writing cannot be read. There shall be provided at each polling place at each election but one form of ballot, which shall contain the names of all candidates whose nominations for any of the offices specified on the ballot have been duly made, together with the title of the office, arranged in tickets or lists under the respective party or political appellations or titles. The lists of candidates of the various parties or organizations shall be printed in parallel columns, headed by the appellations or titles of such parties. Precedence in position of columns shall be given to that party which polled the largest number of votes in the last preceding general election in the county, by placing the list of candidates of such party in the first or left-hand column of the ballot. The number of such columns shall exceed by one the number of tickets or lists of such candidates to be voted for at such voting place. In the column on the right-hand side of each ballot shall be printed the titles of all the offices for which electors at the polling place for which the ballot is provided may lawfully vote, and underneath the title of each office shall be left a blank, in which the voter may write the name of any person or persons for whom he wishes to vote and whose names are not printed on the ballot, and in the space above the titles of offices shall be printed in briefer capital letters: "The voter may write in column below, under the title of any office, the name of any person whose name is not on this ballot and for whom he wishes to vote." No ticket or list of candidates shall contain under the name of any party more names of candidates for any office than are to be elected. The ballots shall be so printed that each voter shall have a clear opportunity to designate by a cross (X) mark, in a large blank circular space, not less than one-half nor more

Precedence in
position of
columns.

Extra column.

than three-fourths of an inch in diameter, at the left of the party appellation or title at the heads of the respective lists of party candidates, his choice of a straight party ticket and desire to vote for each and every candidate thereunder, or to vote for his choice of any particular candidate or candidates in whatsoever columns or lists of candidates such particular candidates may appear, by making a cross (X) mark in an oblong enclosed blank space on the left of and before the name of each candidate for whom he wishes to vote. The ballots shall be printed on the same leaf or sheet of paper, with a stub, and separated therefrom by a perforated line, which said line shall extend the entire width of the ballot and be two and one-half inches from the top thereof. On the face of each stub shall be printed in brier capital letters the words: Instructions on face of stubs.

"To vote a straight party ticket, make a cross (X) mark within the circle at the left of the appellation or title of the party; to vote for an individual candidate, make a cross (X) mark in a space before the name of such candidate; to vote for a person not on the ticket, write the name of such person under the title of the office in the right-hand column and make a cross (X) mark in the space immediately before the name. Any mark or erasure made on the ballot, except as above indicated, will make this ballot void, and it cannot be counted. Use only the pens, ink and indelible pencils provided in the booths." And there may be added such other and further instructions as the county board of elections may deem necessary. On the back of the ballot and in the central space (the central one-third of the ballot) thereof, immediately beneath the perforated line, shall be printed in great primer Roman condensed capital letters the words "Official Ballot for," followed by the designation of the polling place for which the ballot was prepared, the day of election and a facsimile of the signature of the officer who has caused the ballots to be printed. On the back of the stub of the ballot, in the central space thereof, and at the top, shall be printed a line, and immediately thereunder and at the right-hand side thereof, in small letters, the word "Name," under which shall be printed a similar line, and immediately thereunder and at the right thereof shall appear the word "Precinct." At the lower left-hand side of said space, on back of the stub, shall appear the word "No.," the usual abbreviation for "number," followed by the proper consecutive number of ballot. The ballot shall conform practically to the form hereto attached and marked "Sample Ballot." All ballots shall be printed in black ink and (with the exception of the party appellation or title, which shall be in display) in brier type; the name or designation of offices shall be in brier lower-case italics, and the names of the candidates therefor shall be in brier capital letters. Between the names of each candidate and the designation of office, under and following such name, there shall be a space of not less than

one-fifth of an inch, except that in case of presidential and vice presidential electors one-eighth of an inch shall be sufficient. The heading of each party ticket or list of candidates shall be separate from the rest of the ticket by a printed line of not less than one nor more than two points, and the circle at the left of the party appellation or title shall be defined by a heavier line than the lines defining the oblong blank spaces before and at the left of the names of individual candidates. All the official ballots of the same sort prepared for the same polling places shall be of the same size and arrangement and quality and texture of paper and kind of type, and shall be printed with black ink of the same tint, so that when the stub shall be detached therefrom it shall be impossible to distinguish any one of the ballots from others of the same sort; and the names of all candidates shall be printed in type of the same size and character. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be printed on the ballot as part of the title of the officer. If at any election one representative in Congress is to be elected for a full term and another is to be elected to fill a vacancy, the ballots containing the names of candidates shall, as a part of the title of the office, designate the term or the vacancy to fill which the candidates are severally nominated. In the blank lines on the back of the stub, hereinbefore described, the voter shall be required to write his name and the name of the precinct in which he resides.

Printing and
delivery of ballots.
Ballots subject to
inspection.
Correction of
mistakes.

Preparation of
ballots.
Number of ballots.

Packages.

Additional ballots.

Application for
additional ballots.

SEC. 4. That the ballots shall be printed and in the hands of the county board of elections two days before the election and subject to the inspection of candidates and their agents. If any mistakes be discovered, the same shall be referred to the county board of elections and by that board corrected immediately. All ballots shall be prepared by the county board of elections, and all ballots for each precinct shall be numbered consecutively, beginning at number one and continuing through to such number as shall be necessary to supply each such precinct with ballots in three times the number of qualified voters appearing on the books of registration or three times the number of votes cast at such precinct in the last preceding similar election. Such ballots shall be put in separate sealed packages, with marks on the outside clearly designating the polling place for which the ballots are intended, and number of ballots enclosed, and a receipt therefor shall be given by the judges of election in such precinct.

SEC. 5. That the county board of elections shall make such provisions that if at any time on or before the day of election the ballots furnished to any precinct be lost or destroyed before the polls are closed, there can be supplied to such precinct such additional ballots as may be necessary. These additional ballots shall

be supplied only upon written application, signed by all of the judges of election in such precinct, stating in detail the reasons for such request or application.

SEC. 6. That any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if the name is found on the register of voters by the officer having charge thereof he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, provision for which is made in this act. One of the judges shall give the voter one, and only one, ballot, on the back of which the said judge shall endorse his initials in such a manner that they may be seen when the ballot is properly folded, and the voter's name shall be immediately checked on the registration list. At all elections, when a registration may be required, if the name of any person desiring to vote be not found in the proper registration book he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by those having become eligible as electors at a date subsequent to the date of closing the books of registration. Besides the election officers, no more than two voters in excess of the whole number of voting booths shall be allowed within the enclosed voting space at any one time.

SEC. 7. That any voter who may be registered under the so-called "grandfather clause" of the Constitution of the State, or any voter who by reason of any physical disability is unable to mark the ballots, shall, on making oath to such disability, upon request, be assisted in marking his ballot by two of the election officers of different political parties. Such officers shall mark the ballots as directed, and shall thereafter give no information regarding the persons or candidates for whom such voter voted. The judges of election or poll holders shall enter upon the poll list, after the name of the elector who received such assistance, a memorandum of the fact. Intoxication shall not be regarded as physical disability, and no intoxicated person shall receive assistance in marking a ballot.

SEC. 8. That all officers upon whom is imposed by law the duty of providing polling places shall provide at each polling place a sufficient number of booths, which shall be provided with convenient shelves, pens, penholder, ink, blotters and indelible pencils to enable the voters to prepare the ballots for voting, and in which all voters may prepare their ballots, screened from observation, and such booths shall be placed as nearly as possible in the center of either a square space enclosed by ropes or guard rails not less than thirty feet square, or in some building or a circular space so enclosed, not less than thirty feet in diameter, but with only one opening for entrance therein and one for exit there-

Process of voting.

Initials of judge on ballot given voter.

Voter not to receive ballot until registered.

Persons entitled to assistance in marking ballots.

Officers marking ballot to give no information as to vote.

Memorandum on poll book.

Intoxication not physical disability.

Polling booths.

Location of booths.

Booths and ballot box in plain view.	from. The booths shall be within plain view of the election officers, and both they and the ballot box shall be within plain view of those who are outside of the rope, guard rail or door or window of the building, if the booths be in a building. Each of the said booths shall be made of wood or heavy canvas and shall have three sides enclosed, one side in front to be enclosed by a curtain of some opaque cloth. Each side of each booth shall be seven feet in height and the curtain shall extend to within two feet of the floor or bottom, which shall be closed while the voter is preparing his ballot. Each booth shall measure at least thirty-two inches square and shall contain a shelf at least one foot wide, conveniently placed for writing. No persons other than election officers and challengers allowed by law shall be permitted within the rope or guard rail, except by the authority of election officers, who shall keep order and enforce the law. The number of such booths placed at each precinct shall rest in the discretion of the county board of elections. The expenses of providing the booths and guard rails and all other things provided for in this act shall be paid in the same manner as is provided for other election expenses.
Construction of booths.	
Size of booths.	
No persons permitted within guard rail.	
Number of booths.	
Expenses.	
Violation of act a misdemeanor.	SEC. 9. That any person who violates any provision of this act, other than section eight, shall be guilty of a misdemeanor, and fined, upon conviction thereof, not less than one hundred nor more than one thousand dollars, or imprisoned, in the discretion of the court.
Punishment.	
Number of ballots given voter.	SEC. 10. That each elector shall be given, upon surrendering to the poll holder the first ballot given him, another ballot, and upon likewise surrendering to the poll holder such second ballot such voter may obtain a third ballot, but no more. Such returned ballots shall be marked "Spoiled" and signed by two poll holders.
Ballots marked spoiled.	
Preservation of spoiled ballots.	All spoiled ballots shall be placed in an envelope or envelopes and the number of such ballots placed on the outside thereof.
Substitute nominations.	SEC. 11. That in the event that any person nominated, as in this act provided, die, withdraw his candidacy or for any reason refuse to permit his name to be used as a candidate in any election, the executive committee of the party that nominated such person shall have the right and power to nominate a substitute candidate for the office for which such person was nominated, and such nomination shall have the full force and effect of a regular nomination by primary election: <i>Provided</i> , that such nomination by such executive committee be certified to the county board of elections, over the signatures of the chairman and secretary of such executive committee, and be verified by the oath of either the chairman or secretary thereof.
Proviso: certificate of nomination.	
Act to apply to primary elections.	SEC. 12 (a). That the provisions of this act shall apply to all primary elections, whether for the nomination of candidates or election of delegates to conventions or members of party executive

committees to be hereafter held in said county and city: *Provided*, that the names of all candidates for nomination for the several offices for which the party or political organization may elect candidates, and the names of candidates for delegates to the several party conventions, and of candidates for election to the executive committees of such parties, shall be furnished the county board of elections, to be printed on the ballots for such primary elections by the executive committees of the political parties holding such primary elections, and that such names or lists of candidates for party nomination or election shall be signed by the chairman or acting chairman of the executive committee of such party and not less than three members thereof, and attested and verified by the oath of the secretary or acting secretary thereof; and that all poll holders, judges of election and other election officers shall be appointed by the county board of elections upon nomination of said executive committee of such party. The expenses of all primary elections shall be paid in the same manner as is provided by law for the payment of expenses of other and regular elections.

Proviso: names of candidates to be furnished.

Appointment of election officers.

Expenses of primaries.

(b) That the name of any candidate for election to any county, township or legislative office shall not be printed on any ballots in this act provided for, unless such candidate shall have been regularly nominated by a primary election in accordance with the provisions of this act.

Names not printed on ballot

SEC. 13. That in all elections and primary elections held under the provisions of this act the election officers who shall give a ballot to any voter shall record on the register of voters or proper book of registration, immediately at the right of the name of such voter and on the same line therewith, the serial or consecutive number of the ballot so given; and that upon the return of any ballot to the proper election officer, either as spoiled or for deposit in the ballot box, such officer shall compare the number of such returned ballot with the recorded number of the ballot given such voter, and if it be the same, then such officer shall immediately detach the stub of such ballot and deposit the ballot in the ballot box or give such voter a new ballot, if the conditions in this act provided for the giving of additional ballots exist.

Number of ballot recorded.

Comparison of numbers on return of ballot.

SEC. 14. That this act shall not be construed to abrogate or change any existing laws or clauses thereof regarding elections or primary elections in said New Hanover County, except in so far as the provisions of this act are inconsistent with such existing laws.

Construction of act.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in force and effect from and after the first day of June, one thousand nine hundred and nine.

When act effective.

Ratified this the 8th day of March, A. D. 1909.

SAMPLE BALLOT.

(Stub.)

INSTRUCTIONS TO VOTERS.

(Full instructions to voters as to marking and folding ballots, obtaining new ballots, number that can be spoiled, etc., etc.)

(*Ballot.*)

☐ DEMOCRATIC. ☐ REPUBLICAN. ☐

For Governor:

For Governor:

For Governor:

JOHN SMITH.

JOE BROWN.

□.....

For Sheriff:

For Sheriff:

For Sheriff:

W. L. JONES.

U. L. MAY.

.....

(The voter may write under the title of the office the name of any person not on this ballot for whom he wishes to vote for such office, and so through the entire list of nominees of all parties whose candidates will be voted for in the election at the precinct for which the ballot is prepared.)

Proposed amendment to the Constitution restricting suffrage to those who pay taxes on ten thousand dollars of real property.

Yes.	×
No.	

Adoption of new city charter, provisions of which have been advertised in the two daily papers for the past thirty days.

Yes.	
No.	×

(Back of Stub.)

Name.

Precinct.

No. 1456

(Back of Ballot.)

Fold on this line.	OFFICIAL BALLOT FOR Westchester Precinct, No. 5, Nov. 10, 1910. A. J. BROWN.	Fold on this line.

CHAPTER 868.

AN ACT TO AMEND SECTION 1980 OF THE REVISAL
OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand nine hundred and eighty of the Revisal of one thousand nine hundred and five be amended by inserting the words "funeral directors and embalmers" after the word "company," in line seven thereof. Exemption from jury duty.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 869.

AN ACT TO SEPARATE THE CIVIL AND CRIMINAL TERMS
OF COURT FOR LENOIR COUNTY AND TO ABOLISH THE
SECOND WEEK OF THE DECEMBER TERM.

The General Assembly of North Carolina do enact:

SECTION 1. That the Superior Courts in Lenoir County shall be opened and held at the times hereinafter set forth, to-wit: Eighth Monday before the first Monday in March, to continue one week; eleventh Monday after the first Monday in March, to continue one week; second Monday before the first Monday in September, to continue one week; fourteenth Monday after the first Monday in September, to continue one week. These terms shall be for the trial of criminal cases and such other matters as are hereinafter designated. First Monday after the first Monday in March, to continue two weeks; fourteenth Monday after the first Monday in March, to continue two weeks; ninth Monday after the first Monday in September, to continue two weeks. These three terms shall be for the trial of civil cases exclusively. Terms for criminal cases.
Terms for civil cases exclusively.

SEC. 2. Civil processes may be returnable to and pleadings filed out, all except herein designated. Civil trials which do not require a jury, motions and divorce cases may be heard at such criminal terms, and any other civil actions may be heard by consent at such terms. Process and pleadings.
Civil matters heard at criminal terms.

SEC. 3. That no grand juries shall be drawn or summoned for the terms of court herein designated as civil terms exclusively, and the solicitor shall not be required to attend nor entitled to his certificate for attendance at any such civil terms unless there are cases on the civil docket which he appears in officially. No grand juries for civil terms.
Solicitor not required to attend.

SEC. 4. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

When act
effective.
Copy to be sent.

SEC. 5. That this act shall be enforced from and after the first day of April, one thousand nine hundred and nine, and a certified copy of this act shall be sent to the commissioners of Lenoir County immediately after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 870.

AN ACT TO CREATE THE STATE ASSOCIATION OF COUNTY COMMISSIONERS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Purpose of asso-
ciation.

SECTION 1. That for the purpose of bringing about and promoting more intimate association and the cultivation of more friendly relations between and among the county commissioners of the several counties of the State of North Carolina; to secure as far as possible uniform valuation of property, both real and personal, for the purpose of taxation; to bring about and stimulate a sentiment for the building of good roads; to discuss and propose the enactment of such laws as will be for the best interest of all of the counties of the State with reference to county government; to propose and discuss the enactment of laws securing uniformity as far as possible with reference to county matters and the matter of handling the business thereof; to propose and discuss the enactment of such laws as is necessary for the protection of finances and the management and preservation of the resources and assets in and for the several counties of the State, and to do any and all other things which shall promote the general welfare of the State of North Carolina and the several counties therein, the boards of county commissioners of the several counties of the State of North Carolina and their successors in office are hereby constituted and formed into an association, with the powers and duties hereinafter set forth.

Association
formed.

Eligibility to
membership.

SEC. 2. Upon their election and qualification, all members of the boards of county commissioners of the different counties in the State of North Carolina may be members of said association, and it shall not be mandatory for any county to become a member of such association.

Membership not
mandatory.

By-laws, rules and
regulations.

SEC. 3. That said association shall have power to adopt by-laws, rules and regulations for the government of its members, for the collection of fees and dues, for the number and election of its officers and the duties thereof, for the safe-keeping of its

property and the general management of its affairs, and shall have power to alter, modify or amend such by-laws, rules and regulations, from time to time, as it shall deem best.

SEC. 4. The officers of said association shall be a president, a vice president at large and ten (10) other vice presidents, or one from each congressional district of North Carolina, a secretary and treasurer and an executive committee: the duties of said officers to be prescribed by the by-laws, rules and regulations which may be adopted from time to time by said association.

SEC. 5. The annual membership fee to be assessed against each county as a member of said association shall be the sum of five dollars, and said amount shall be paid out of the fund held by the treasurer of each county, upon an order made by the said board of county commissioners: *Provided*, that the executive committee named by said association shall have the power, if it shall become necessary to carry out the objects of the association, to increase said membership fee at any time to a sum not to exceed ten dollars per annum.

SEC. 6. That the annual meeting of said association shall be held on Wednesday after the second Monday in August of each year, the place of meeting to be designated by the executive committee. There may be called meetings of the association upon ten days' notice, the said meeting to be called by the president or a majority of the executive committee, and to be held at such time and place as may be designated by those making the call, such call to contain a short statement of the objects of said meeting or meetings.

SEC. 7. That the boards of county commissioners of the various counties of the State are hereby authorized to order to be paid out of the treasury of each county the annual expenses of one member of said board, who shall attend said meetings of said association.

SEC. 8. That for the purpose of a temporary organization of said association from the time of the ratification of this act until the time of the annual meeting on Wednesday after the second Monday in August, one thousand nine hundred and nine, the following, who have heretofore been elected at a temporary meeting of State Association of County Commissioners, are hereby declared to be the officers of said association, to-wit:

President, C. E. Foy, of Craven County.

Vice President at large, J. A. Davidson, Guilford County.

President.

Vice presidents.

VICE PRESIDENTS.

First District—J. P. Quinerly, of Pitt County.

Second District—J. G. Stancil.

Third District—W. R. Hollowell, of Wayne County.

Fourth District—T. H. Collie, of Franklin County.

Fifth District—J. W. Slade.

Sixth District—N. A. Currie, of Bladen County.
Seventh District—N. M. Thayer, of Montgomery County.
Eighth District—B. P. Beard, of Rowan County.
Ninth District—W. M. Long, of Mecklenburg County.
Tenth District—M. N. Noland, of Haywood County.

EXECUTIVE COMMITTEE.

Executive com-
mittee.

First District—Thomas Green, of Beaufort County.
Second District—C. W. Spruill, of Bertie County.
Third District—W. S. Chadwick, of Carteret County.
Fourth District—W. C. Brewer, of Wake County.
Fifth District—W. C. Bradshaw, of Guilford County.
Sixth District—D. McEachern, of New Hanover County.
Seventh District—W. J. Armfield, of Randolph County.
Eighth District—N. B. Mills, of Iredell County.
Ninth District—J. P. Roberts, of Cleveland County.
Tenth District—J. E. Rankin, of Buncombe County.

Secretary and
treasurer.
Meeting for
organization.

Secretary and Treasurer, G. V. Richardson, of Craven County.
 And said officers are authorized to issue a call for a special meeting of said boards of county commissioners, at such time and place as they may designate, for the purpose of perfecting an organization of said association and for the purpose of transacting such business as may be deemed best by said association.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 871.

AN ACT TO PROMOTE THE CULTIVATION OF THE OYSTER
IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Power to lease
bottoms.

SECTION 1. *Shellfish Commissioner can lease bottoms.*—The Shellfish Commissioner shall have power to lease to any duly qualified person, firm or corporation, for purposes of oyster or clam culture, any bottom of the waters of the State not a natural oyster bed, as defined in this act, nor a clam reservation, as defined in this act, in accordance with the provisions of this law.

Natural oyster
beds and clam
reservations.

Acreage to be
leased.

SEC. 2. *Leasing of bottoms.*—Any citizen of North Carolina, or firm or corporation organized under the laws of the State and doing business within its limits, shall be granted the privilege of taking up bottoms for purposes of oyster or clam culture, under the provisions of this act, of an area not less than one acre nor more than fifty acres, with the exception of the open waters of

Exception, open
waters of Pamlico
sound.

Pamlico Sound (and for the purposes of this act open waters of Pamlico Sound shall mean the waters that are outside of two miles of the shore line), in which the minimum limit shall be five acres and the maximum shall be two hundred acres: *Provided*, that the limit of entry in Core Sound, North River, Newport River, Bogue Sound and all bays and creeks bordering on these waters, and in Jones' Bay, Rose Bay, Abel's Bay, Swan Quarter Bay, Middle Bay, Bay River, Deep Bay, Juniper Bay, West and East Bluff bays, Wysocking Bay, Fire Creek, Stumpy Point Bay, Mouse Harbor Bay, Maw Bay and Broad Creek, tributaries of Pamlico Sound, shall be one acre as a minimum and ten acres as a maximum: *Provided further, however*, that at the end of one year from the passage of this act the minimum area in Core Sound, North River, Newport River, Bogue Sound and all bays and creeks bordering on these waters, and in Jones' Bay, Rose Bay, Abel's Bay, Swan Quarter Bay, Middle Bay, Bay River, Deep Bay, Juniper Bay, West and East Bluff bays, Wysocking Bay, Fire Creek, Stumpy Point Bay, Mouse Harbor Bay, Maw Bay and Broad Creek, tributaries of Pamlico Sound, shall be one acre and the maximum fifty acres; but no person, firm, corporation or association shall severally or collectively hold any interest in any lease or leases aggregating an area of greater than fifty acres, except in the open waters of Pamlico Sound, where the aggregate area shall be two hundred acres.

Open waters defined.

Acreage in open waters.
Proviso: limits in other waters.

Proviso: limit after one year.

Limit on aggregate.

SEC. 3. *Lease, how obtained*.—Such persons, firms or corporations desiring to avail themselves of the privileges of this act shall make written application, on a form to be prepared by the Shellfish Commissioner, setting forth the name and address of the applicant, describing as definitely as may be the location and extent of the bottom for which application is made, and requesting the survey and leasing to the applicant of said bottom. As soon as possible after the application is received, the Shellfish Commissioner shall cause to be made a survey and map of said bottom, at the expense of the applicant. The Shellfish Commissioner shall also thoroughly examine said bottoms by sounding and by dragging thereover a chain to detect the presence of natural oysters. Should any natural oysters be found, the commissioner shall cause examination to be made to ascertain the area and density of oysters on said bottom or bed, to determine whether the same is a natural bed, under the definition contained in this act. He shall be assisted in this examination on tonging ground by an expert tonger, to be appointed by the board of county commissioners of the county in which said bottom or the greater portion thereof is located, and the question as to whether the oyster growth is sufficiently dense to fall within the definition of the natural bed shall be determined by the quantity of oysters which the said expert tonger may be able to take in a specified time: and on dredging ground the com-

Applications for leases.

Surveys and maps.

Examination of bottoms.

Assistance in examination by tonger.

Assistance by dredger.

missioner shall be assisted by an expert dredger, appointed by the board of county commissioners of the county in which said bottom or the greater portion thereof is located, and the question as to whether the oyster growth is sufficiently dense to fall within the definition of the natural bed shall be determined by the quantity of oysters which the said expert dredger may be able to take in a specified time. The Shellfish Commissioner shall require the bodies of bottoms applied for to be as compact as possible, taking into consideration the shape of the body of water and the consistency of the bottom. No application shall be entertained nor lease granted for a piece of bottom within two hundred yards of a known natural bottom, bed or reef. A deposit of ten dollars will be required of each applicant at the time of making his application, said sum to be credited to the cost of the survey of the bottom applied for.	
Bottoms to be compact.	
Execution of lease.	SEC. 4. <i>Marking and staking of leased bottoms.</i> —Immediately upon the completion of the survey and the mapping thereof, and the payment by the applicant of the cost of said survey and map, the Shellfish Commissioner shall execute to the applicant, upon a form approved by the Attorney-General of the State, a lease for the bottoms applied for. A copy of the lease, map of the survey and a description of the bottom, defining its position, shall be filed in the office of the Shellfish Commissioner. After the execution of said lease, the lessee shall have the sole right and use of said bottoms, and all shells, oysters and culch thereon or placed thereon shall be his exclusive property so long as he complies with the provisions of this law. The lessee shall stake off and mark the bottoms leased in the manner prescribed by the Shellfish Commissioner, and failure to do so within a period of thirty days of an order so to do issued by the commissioner shall subject said lessee to a fine of five dollars per acre for each sixty days' default in compliance with said order. The corner stakes, at least, of each lease shall be marked with signs plainly displaying the number of the lease and the name of the lessee. The lessee shall, within two years of the commencement of his lease, have planted upon his holdings a quantity of shells equal to an average of fifty bushels of seed oysters or shells per acre of holdings, and within four years from the commencement of his lease a quantity of oysters or shells equal to an average of not less than one hundred and twenty-five bushels per acre. The oyster commissioner shall, upon granting any lease, publish a notice of the granting of same in a newspaper of general circulation in the county wherein the bottom leased is located.
Papers filed with commissioner.	
Rights of lessee.	
Lessee to stake off and mark bottoms.	
Penalty for failure.	
Corner stakes.	
Planting required.	
Publication of lease.	
Term of lease.	SEC. 5. <i>Term of lease, rental.</i> —All leases made under the provisions of this act shall begin upon the issuance of the lease, and shall expire on the first day of April of the twentieth year thereafter. The rental shall be at the rate of one dollar per acre for
Rental.	

the first ten years and two dollars per acre per year for the next ten years of the lease, payable annually in advance on the first day of April of each year: *Provided*, that in the open waters of Pamlico Sound (and for the purposes of this act the open waters of Pamlico Sound shall mean the waters that are outside the four miles of the shore line) the rental shall be at the rate of fifty cents per acre per year for the first three years, one dollar per acre per year for the next seven years, and two dollars per acre per year for the next ten years of the lease. This rental shall be in lieu of all other taxes and imposts whatever, and shall be considered as all and the only taxation which can be imposed by the State, counties, municipalities or other subordinate political bodies. The rental for the first year shall be paid in advance, to an amount proportional to the unexpired part of the year to the first of April next succeeding.

Proviso: rental in open waters.

Rental in lieu of taxes.

Rental for first year.

SEC. 6. *Transfer of lease—inheritance of lease.*—The said lease shall be heritable and transferable, in whole or in part, provided the qualifications of the heirs and transferees are such as are described by this act. Nonresidents, acquiring by inheritance or process sale, or persons already holding the maximum area permitted by this act, shall within a period of twelve months from the time of acquisition, dispose of said prohibited or excess of holding to some qualified person, firm or corporation, under penalty of forfeiture. The lease shall be subject to mortgage, pledge, seizure for debt and the same other transactions as are other property rights in North Carolina. No transfer shall be of effect unless of court record, until entered on the books of the Shellfish Commissioner.

Lease heritable and transferable.

Disposal of prohibited or excess holdings.

Lease subject as property rights.

Record of transfers.

SEC. 7. *Releasing of bottoms.*—The term of each lease granted under the provisions of this act shall be for a period of twenty years from the first day of April preceding the date of granting of said lease. At the expiration of the first lease, the lessee, upon making written application on the prescribed form, shall be entitled to successive leases on the same terms as applied to the last ten years of the first lease, for a period not exceeding ten years each.

Term of lease.

Right to successive leases.

SEC. 8. *Forfeiture of lease.*—The failure to pay the rental of bottoms leased for each year in advance on or before the first day of April, or within thirty days thereafter, shall *ipso facto* cancel said lease and shall forfeit to the State the said leased bottoms and all oysters thereon, and upon said forfeiture the Shellfish Commissioner is hereby authorized to lease the said bottoms to any qualified applicant therefor: *Provided*, that no forfeiture shall be valid, however, under the provisions of this section, unless there shall have been mailed by the Shellfish Commissioner to the last address of the lessee upon the books of the commissioner a thirty-days notice of the maturity of said rental.

Nonpayment of rental to forfeit lease.

Proviso: notice of maturity of rental.

Claims for cancellation of lease.

Proviso: deposit with petition.

Examination into claim.

Forfeit of deposit.

Natural bed marked out and open to public.

Claim presented within four months.

Lease incontestable.

Right of appeal.

New Hanover county excepted.

SEC. 9. *Title secure.*—If any person, within four months of the publication of the notice of granting of any lease, make claim that a natural oyster bottom, bed or reef exists within the boundaries of said lease, he shall, under oath, state his claim, and request the Shellfish Commissioner to cancel said lease: *Provided, however,* that each such claim and petition shall be accompanied by a deposit of twenty-five dollars. No petition unaccompanied by said deposit shall be considered by the commissioner. The Shellfish Commissioner shall, in person, examine into said claim, and, if the decision should be against the claimant, the deposit of twenty-five dollars shall be forfeited to the State and deposited to the credit of the Shellfish Commission fund. Should, however, the claim be sustained and a natural bed be found within the boundary of the lease, the said natural bed shall be surveyed and marked with stakes or buoys, at the expense of the lessee, and the said natural bed be thrown open to the public fishery. If no such claim be presented within a period of four months, or if when so presented it fail of substantiation, as provided, the lessee shall thereafter be secure from attack on such account, and his lease shall be incontestable so long as he complies with the other provisions of this act. In each and every such case the decision of the Shellfish Commissioner shall be subject to review and appeal before a judge of the Superior Court, who shall render a decision without the aid of a jury, and his decision shall be final. This act shall not apply to New Hanover County.

SEC. 10. That all laws and clauses of laws, in so far as they are in conflict with this act, are hereby repealed.

SEC. 11. This act shall be in effect from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 872.

AN ACT TO AMEND SECTION 3657 OF THE REVISAL OF 1905, RELATING TO ESCAPES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand six hundred and fifty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "therein" and before the word "he," in line two of said section, the words "or escape from the custody of any superintendent, guard or officer."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

Escape from custody.

CHAPTER 873.

AN ACT TO ESTABLISH A LIBRARY COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created a library commission that shall be known as the Library Commission of North Carolina and that shall consist of the Superintendent of Public Instruction, the State Librarian, two other persons who shall be appointed by the North Carolina Library Association, and one other person who shall be appointed by the Governor, all of whom shall serve without compensation. Upon the passage of this act, the Governor shall appoint at once one person to serve one year and the North Carolina Library Association one person to serve two years and one person to serve three years; and as these terms expire, annually thereafter one person shall be appointed for three years by the Governor and by the North Carolina Library Association, according to the vacancy to be filled. The library commission may accept resignations and fill vacancies for unexpired terms. The term of office of the members of the commission shall begin April first.

Library commission established. Members.

Election of members. Terms.

Successors.

Resignations and vacancies.

Term of members.

SEC. 2. The commission shall annually elect its own officers, who shall perform all the duties usually pertaining to such offices.

Election of officers.

SEC. 3. The commission shall give assistance, advice and counsel to all libraries in the State, to all communities which may propose to establish libraries, and to all persons interested, as to the best means of establishing and administering such libraries, as to the selection of books, cataloguing, maintenance and other details of library management as may be practicable. The commission may aid in organizing new libraries or in improving those already organized, and may establish and maintain traveling or other libraries, as may be practicable. The commission shall employ a secretary, not a member of the commission, who shall be a person trained in modern library methods, and who shall receive such compensation as the commission may decide, and who shall perform the usual duties of a secretary and such other duties as may be assigned by the commission, and who shall serve at the will of the commission.

Commission to give assistance, advice and counsel in establishing libraries.

Aid in organizing libraries.

Establishment and maintenance of libraries. Secretary.

Compensation.

SEC. 4. Every public library in the State shall make an annual report to the commission, in such form as may be prescribed by the commission. The term "public library" shall, for the purpose of this act, include free public libraries, subscription libraries, school, college and university libraries, young men's Christian association, legal association, medical association, Supreme Court and State libraries.

Reports from public libraries.

Public library defined.

Biennial reports.

SEC. 5. The commission shall make a biennial report to the Governor, covering its work up to January first preceding each session of the General Assembly. Five hundred copies of this report shall be published by the State Printer, as other State official reports are published.

Members to receive no compensation. Expenses may be paid.

SEC. 6. No member of the commission shall ever receive any compensation for service as a member, but the actual traveling expenses of members in attendance at meetings of the commission or in visiting or establishing libraries and other incidental and necessary expenses connected with the work of the commission may be paid.

Appropriation.

SEC. 7. There is hereby annually appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifteen hundred dollars (\$1,500), to be paid to the treasurer of the commission for the use of the commission in carrying into effect the provisions of this act, and any balance not expended in any year may be used by the commission in any subsequent year.

Offices and equipment.

SEC. 8. The Board of Public Buildings and Grounds may allow for the use of the commission suitable offices and equipment in the Capitol, the State Library or other State buildings.

SEC. 9. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 874.

AN ACT TO DEFINE THE RESIDENCE OF A DOMESTIC CORPORATION.

The General Assembly of North Carolina do enact:

Proviso: principal place of business residence.

SECTION 1. That section nine hundred and eighty-two of the Revisal of one thousand nine hundred and five be amended by changing the period at the end of said section to a colon and adding thereto the following: "*Provided*, that for the purposes mentioned in this section the principal place of business of a domestic corporation shall be considered to be its residence."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 875.

AN ACT RELATIVE TO ADVERTISEMENT OF PUBLIC SALE.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever in a statute or a written instrument it is stipulated that an advertisement of a sale shall be made for any certain number of weeks, a publication once a week for such a number of weeks so indicated shall be held and deemed to be a sufficient compliance with the aforesaid requirements, unless contrary provision is expressly made by the terms of such instrument. Publication once a week.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 876.

AN ACT TO PROVIDE FOR LEGALIZING PRIMARY ELECTIONS FOR THE COUNTY OF CUMBERLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That every political primary election held by any political party, organization or association for the purpose of choosing candidates for members of the Legislature and for county and township offices in the county of Cumberland, and for all National, State and district offices and, if the executive committee shall deem it advisable, members of the executive committee and delegates to the county conventions, 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 the rules now in force or hereafter adopted by such political party, organization or association. The number of such managers shall be fixed and they shall be appointed by the executive committee or other like governing body of the political party as now or hereafter provided by the rules of such political party. Such managers, after being appointed, shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will fairly, impartially and honestly conduct the said primary election according to the provisions of this act and the rules of such party, organization or association, as now or hereafter prescribed. If one or more of the managers appointed to hold such primary election fail to appear on the day of the 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 ad- Method of conducting primary elections.
Number and appointment of managers.
Managers to qualify.
Vacancies.

- minister oaths, but if no such officer can be secured the managers
 Papers to be filed. may administer the oath to each other. Such oaths shall, after
 being subscribed by the managers, be filed in the office of the clerk
 of the Superior Court of the county in which such primary elec-
 tion shall be held, and all returns and other records and papers
 required to be kept or made by the rules of such party, organiza-
 tion or association shall be returned to and filed in the office of
 the clerk of the Superior Court, and shall be recorded by him in a
 book to be kept for the purpose, designated "Record of Primary
 Election."
- Record.
- Voting places. SEC. 2. All primaries under this act shall be held at the usual
 Hours of voting. voting place, on the same day, in each precinct, between the hours
 Date. of eight o'clock A. M. and seven o'clock P. M., on such date as may
 Proviso: general be fixed by the county executive committee: *Provided*, if a gen-
 date. eral date shall be fixed by the State Executive Committee or other
 lawful authority for holding primaries, primaries held under this
 act shall conform thereto as nearly as possible.
- Primary registra- SEC. 3. The executive committee or other governing body of any
 tion. political party, organization or association in said county shall
 have the right at any time to order a registration of the voters of
 any such primary election: *Provided*, that the same shall be or-
 dered and the rules governing the same prescribed and published
 Proviso: notice of not less than thirty days before any such primary election. If no
 registration. registration shall be ordered, as above provided, then only those
 Persons entitled persons who were duly qualified voters at the preceding general
 to vote. election held for the office of the members of the General Assem-
 bly, as shown by the registration books of the county, shall be en-
 titled to vote at such primary election: *Provided, however*, that
 Proviso: persons if any person shall give satisfactory evidence to the managers of
 becoming entitled. the primary election that he had become qualified to vote since
 the last general election, he shall be allowed to register and vote
 in said primary election, after taking the oath prescribed herein.
- Copies of regis- SEC. 4. That for the purpose of a registered primary, or for the
 tration books. purpose of giving the managers conducting said primary election
 information as to who are duly qualified voters of the said county,
 the clerk of the Superior Court, register of deeds or the custodian
 of any of the registration books in the county or township 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 the frac-
 tional part thereof: *Provided*, said application shall be made at
 least ten days before said primary election.
- Proviso: applica- SEC. 5. On the third day before a primary election is held the
 tion for copies. registrar and the managers of their respective precincts shall
 assemble at the voting places of their respective precincts at ten
 o'clock A. M. for the purpose of allowing an investigation of said
 registration books, and any person shall be permitted to challenge
 the right of any voter whose name appears on said books to vote
- Challenge day.

and participate in said primary election, and the precinct board of managers, after notice to the person whose vote is challenged, shall hear and determine the right of said voter to vote in said primary election; and if said board of managers are satisfied that the person whose vote is challenged has no right to vote in said primary election, they shall cause the name of the person so challenged to be struck from said registration books and he shall not be permitted to vote in said primary election. Challenges for any of the causes mentioned herein and for any other lawful cause shall also be allowed on the day of the primary. The causes of challenge shall be as follows:

Determination of challenges.

Names struck from book.

Challenge on election day.

Causes for challenge.

(a) That the proposed voter shall not have been a resident of the State of North Carolina continuously for two years at the time of holding the election for which the candidates to be named in said primary election are to be voted.

Nonresidence.

(b) That the proposed voter has not paid his poll tax, as provided for by law.

Nonpayment of poll tax.

(c) And that the proposed voter is a member of another political party other than the one holding said primary election.

Nonaffiliation with party.

(d) That the proposed voter is not twenty-one years of age and will not be at the next election for members of the General Assembly, and any other cause allowed by the general election law of the State.

Nonage.

SEC. 6. That every voter desiring to register in any precinct, before he is registered, shall take the following oath: "I do solemnly swear that I am years of age and that I am a resident of precinct, and that at the election to be held on the . . . day of for the members of the General Assembly of North Carolina I shall have been a resident continuously of the State of North Carolina for two years, of Cumberland County six months, and of precinct for four months." The registrar shall state on the registration book, in figures, opposite the name of the person so registering, the age as sworn to by the said person, and he shall also state on said books the date said voter registered.

Oath to be taken by voters.

Age and date of registration.

SEC. 7. When any person's right to vote is challenged, on the ground that he is a member of another political party other than the one holding the primary election, he shall take the following oath: "I do solemnly swear that I am a *bona fide* member of party and that I will abide by the result of this primary." Failure to take this oath shall be conclusive evidence that said person is not a member of the party holding the primary election, and the board of managers shall sustain the challenge. Any voter who shall swear falsely in taking the prescribed oath shall be guilty of a misdemeanor, and on conviction shall be punished in the discretion of the court.

Oath on challenge for nonaffiliation.

Challenge sustained on failure to take oath.
False swearing misdemeanor.

Punishment.

SEC. 8. Every *bona fide* member of the party holding such primary election who will be a qualified elector on the day of elec-

Persons permitted to vote.

	tion for which said candidates are to be named in said primary election shall be permitted to vote and participate in said primary election, but only in the precinct in which said voter resides.
Precinct.	
Voting in different primaries fraudulent.	SEC. 9. 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 a 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.	
Repeating a misdemeanor.	
Punishment.	
Violation of duty by manager misdemeanor.	SEC. 10. Any manager who shall be guilty of willfully violating any of the duties devolving upon him hereunder shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not to exceed one hundred dollars or imprisoned not to exceed six months; and any manager who shall be guilty of fraud or corruption in the management of such election shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars or imprisoned for a term not to exceed twelve months, or both, in the discretion of the court.
Punishment.	
Fraud or corruption misdemeanor.	
Punishment.	
Payments by candidates.	SEC. 11. That upon the payment of such sum as may be required by the executive committee of any party or organization by any candidate for any office, not less than ten days before a primary election, it shall be the duty of such chairman to have the name of such candidate printed on a ballot and distributed at each voting precinct where such candidate is to be voted for; and it shall be lawful for such chairman, if the rules of the party, organization or association so prescribe, to print the names of all such candidates upon one ballot, plainly designating thereon the office for which each person is a candidate, and leaving a margin sufficiently large for the voter to make a cross mark opposite the name of the candidate for whom he desires to vote for each office.
Ballots.	
Officers to perform duties.	SEC. 12. 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.
Delegates to carry out choice of party.	
Neglect of duty misdemeanor.	
Use of liquor and bribery misdemeanor.	SEC. 13. 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 sub-

sequent to the primary, he shall be guilty of a misdemeanor, and Punishment.
on conviction shall be fined not less than twenty-five dollars nor
more than five hundred dollars.

SEC. 14. It shall be unlawful for any person to sell or give Sale or gift of
away any spirituous, vinous or malt liquors or any other intoxi- liquor forbidden.
cating liquors or beverages within three miles of the place of hold-
ing any primary election during the time of election and from
twelve o'clock on the night preceding to twelve o'clock on the night
succeeding the primary election, and any person violating the pro- Punishment.
visions of this section shall be fined or imprisoned in the discre-
tion of the court.

SEC. 15. That such portions, paragraphs and provisions of the General election
general election law of this State regulating the conduct of general law applicable.
elections for which said primary election is held to name candi-
dates as are not inconsistent with the true purpose and intent of
this act shall be and are hereby made a part of this act; and all
provisions of the general election law of this State, and amend-
ments thereto, which shall be in force at the time of holding any
primary election under this act, relative to perjury or false swear-
ing and making of false returns, false registration, intimidation
of voters, bribery and the use of intoxicating liquors in the gen-
eral election, shall be in full force and effect in holding said pri-
mary election provided for in this act.

SEC. 16. Before any ballots are received for said primary elec- Ballot boxes to be
tion, and immediately before opening the polls, the board of man- opened and
agers shall publicly open each ballot box to be used in said elec- exhibited.
tion and examine the same carefully, and, having ascertained that
the same is empty, the said boxes shall be closed and locked or
sealed, and the ballots shall be deposited in the same, through an Deposit of ballots.
opening in the top of said boxes, and the said boxes shall not be
opened again until the polls are closed.

SEC. 17. The county executive committee shall meet at the court- Canvass of
house in the town of Fayetteville, at eleven o'clock A. M. on the returns.
second day after the primary election is held, receive, canvass
and declare the result; and if any person shall have received a Nominees.
majority of all the votes cast for the office for which he is candi-
date, the said committee shall so declare, and the said person shall
be the nominee of his party for that office; but if no person shall
have received a majority of all the votes cast for an office, the
said committee shall declare the person receiving the highest num-
ber of votes cast for that office to be the nominee of the party, un-
less the person receiving the next highest number of votes for
said office, or some one authorized in writing to act for him, de-
mands of said committee in writing that another primary election
be held, in which case a second primary election shall be ordered Second primary
and held under the rules and regulations herein provided, and on demand.
said primary election shall be held within ten days thereafter:

Proviso: candidates in second primary.

Determination of ties.

Rules for holding second primary.

Slander of candidate a misdemeanor.

Leave of absence to employees for voting.

Proviso: application for leave.

Employer to specify hours.

Candidates to file statements of expenses.

Disqualification.

Adoption of act.

Act to be printed and distributed.

Provided, that in the second primary election no votes shall be cast except for the two persons receiving, respectively, the highest and the next highest number of votes cast in the first primary for the same office. In the event that each person voted for in the second primary receives the same number of votes, the county executive committee shall decide by lot which of them shall be the candidate of the party for that office. The second primary election shall be held on the same registration as the first, and no one shall be allowed to vote in the second primary election who could not have voted in the first.

SEC. 18. Whoever intentionally or willfully slanders the character of a candidate for office shall be guilty of a misdemeanor.

SEC. 19. Any person entitled to vote at such primary shall, on the day of such primary, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one hour, or longer if necessary, between the time of opening and closing the polls, and such primary elector shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however*, that applications for such leave of absence shall be made prior to the day of primary. The employer may specify the hours during which said employee may absent himself.

SEC. 20. Within ten days after said primary election is held, every candidate on the official list of candidates voted for in the same shall file with the Clerk of the Superior Court of Cumberland County an itemized sworn statement of the money or other things of value spent or used by him, directly or indirectly, in said primary election, setting forth the name of the persons to whom money or other things of value was given or promised, and the purpose for which it was given; and should any candidate fail or refuse to file any such sworn statement within the time prescribed, he shall be disqualified for the nomination to which he aspires.

SEC. 21. That any town or city in Cumberland County may adopt the provisions of this act for the purpose of conducting and regulating primary elections for town officers, by a provision in its charter or by a majority vote of the governing authorities of such town or city.

SEC. 22. That five hundred copies of this act shall be printed by the Commissioners of Cumberland County for free distribution in said county within six months from the ratification of the same.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 877.

AN ACT TO GIVE AUTHORITY TO THE BOARD OF ROAD COMMISSIONERS OF FORSYTH COUNTY TO EXPEND PART OF THE ROAD FUNDS WITHIN CITIES AND TOWNS OF THE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Road Commissioners of Forsyth County shall have power in its discretion to expend part of the county road funds in the construction, improvement and repair of public highways and bridges within any incorporated city or town in the county. Said board may, with the consent of the governing board of such city or town, conduct the work on such highways and bridges under the provisions of chapter twenty of the Public Laws of one thousand nine hundred and seven, or may appropriate and pay over to the governing board of the city or town a part of the county road fund, to be applied by the governing board of the city or town in constructing, improving or repairing such highways and bridges in the city or town as the county board of road commissioners may designate.

Expenditures in discretion of road commissioners.

May conduct work or appropriate and pay money for same.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 878.

AN ACT PRESCRIBING THE TIME FOR HOLDING THE COURTS OF THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five be amended by inserting, on page four hundred and forty-nine, between the word "weeks," at the end of line fourteen, and the word "second," at the beginning of line fifteen, the following: "tenth Monday after the first Monday in March, one week, for the trial of civil cases only"; and between the word "weeks," at the end of line fifteen, and the word "twelfth," at the beginning of line sixteen, insert the following: "fifth Monday after the first Monday in September, two weeks, for the trial of civil cases only"; and by adding at the end of line eighteen "except for the terms beginning on the tenth Monday after the first Monday in March and the fifth Monday after the first Monday in September."

Terms of court for Wayne county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 879.

AN ACT TO REGULATE THE CATCHING OF CLAMS IN
BRUNSWICK, NEW HANOVER AND PENDER COUNTIES.*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person, firm or corporation to take clams in the counties of Brunswick, New Hanover or Pender, from any of the waters thereof, for the purpose of bedding for market or for shipment from the said counties, from the twenty-fifth day of March to the fifteenth day of December of each year: *Provided, however,* that citizens of the said counties shall have the privilege at all times of the year to catch clams for selling in any of the said counties, in small quantities, for table use only.

Proviso: sales for
table use only.Purchase for ship-
ment and shipping
unlawful.

SEC. 2. That it shall be unlawful for any person, firm or corporation to purchase clams in the counties of Brunswick, New Hanover or Pender for the purpose of shipping from the said counties, or for any person, firm or corporation to ship from the said counties of Brunswick, New Hanover or Pender any clams at any time from the twenty-fifth day of March to the fifteenth day of December of every year.

Misdemeanor.

Punishment.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not exceeding fifty dollars or imprisoned not more than thirty days, in the discretion of the court.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 880.

AN ACT TO PROTECT STATE PROPERTY FROM DESTRUCTION BY FIRE.

*The General Assembly of North Carolina do enact:*Plans for buildings
to be submitted to
and approved by
insurance com-
missioner.

SECTION 1. Amend section four thousand eight hundred and twenty-nine (4829), Revisal of one thousand nine hundred and five of North Carolina, by adding at the end thereof the following: "No board, commission, superintendent or other person or persons authorized and directed by law to select plans and erect

buildings for the use of the State of North Carolina or any institution thereof shall receive and approve of any plans until they are submitted to and approved by the Insurance Commissioner of the State as to the safety of the proposed buildings from fire, as well as the protection of the inmates in case of fire."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

CHAPTER 881.

AN ACT TO AMEND CHAPTER 101 OF THE REVISAL OF 1905, AND TO PROTECT THE STATE'S INTEREST BY AUTHORIZING THE BOARD OF INTERNAL IMPROVEMENTS TO REQUIRE AND TAKE SUFFICIENT BONDS OF CONTRACTORS ON PUBLIC WORKS AND BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand eight hundred and forty-two of chapter one hundred and one (101) of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "improvement" and before the word "the," in line three of said section four thousand eight hundred and forty-two, the words "or authorize, directly or indirectly, the erection or alteration of any public building or buildings at any State institution, charitable, educational or penal"; and by striking out the words "double the sum paid or contracted to be," in line five thereof, and the word "paid," in line six thereof, and inserting in lieu thereof the words "such sum as the board may deem sufficient"; and that section four thousand eight hundred and forty-five of said chapter one hundred and one (101) be and the same is hereby amended by adding at the end of said section, after the word "Assembly," the following: "and shall receive as compensation therefor such sum as the Governor, by and with the advice of the Council of State, shall deem just."

Buildings by state institutions.

Bonds of contractors.

Payment of commissioner making investigation.

SEC. 2. That the said board may appoint a clerk of the board whenever in its opinion the public service shall require it.

Appointment of clerk.

SEC. 3. That all laws and clauses of laws, in so far as they are in conflict with said chapter one hundred and one, as amended by this act, be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

CHAPTER 882.

AN ACT TO AMEND CHAPTER 825 OF THE PUBLIC LAWS OF 1907, FOR THE PROTECTION OF BIRDS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Hungarian
partridges.

SECTION 1. Amend section one of chapter eight hundred and twenty-five of the Public Laws of one thousand nine hundred and seven by inserting after the word "pheasant" and before the word "in," in line three thereof, the words "or Hungarian partridges."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 883.

AN ACT TO AMEND CHAPTER 399 OF THE PUBLIC LAWS OF 1907, RELATING TO PRIMARIES IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Offices to be
nominated for.

SECTION 1. That section one of chapter three hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: Strike out all between the word "for," in line three, and the word "as," in line six, and insert in lieu thereof the words "such offices"; and add to the end of said section the following: "and candidates for only such offices as are named in the call of the executive committee shall be voted for in said primary election"; and strike out all after the word "election," in line seven, and before the word "and," in line nine.

Candidates to be
voted for.

Delegates and
precinct com-
mittees.

Announcement
of candidacy.

SEC. 2. That section nineteen be amended as follows: Strike out all of said section down to the word "shall," in line seven, and insert in lieu thereof the following: "That every person who wishes to be a candidate in said primary election for any office named in the call of the executive committee"; and strike out all after the word "constable," in the last line of said section.

County commis-
sioners, coroners
and cotton
weighers.
Challenge for
nonaffiliation.

SEC. 3. That section ten be repealed and the succeeding sections renumbered, beginning with a new section (ten), so on to the end of said chapter three hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven.

SEC. 4. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 884.

AN ACT TO PREVENT THE FORFEITURE OF A LIFE
POLICY WITHOUT NOTICE.

The General Assembly of North Carolina do enact:

SECTION 1. No life insurance corporation doing business in this State shall, within one year after the default in payment of any premium, installment or interest, declare forfeited or lapsed any policy hereafter issued or renewed and not issued upon the payment of monthly or weekly premiums, or unless the same is a term insurance contract for one year or less, nor shall any such policy be forfeited or lapsed by reason of nonpayment when due, of any premium, interest or installment or any portion thereof required by the terms of the policy to be paid, within one year from the failure to pay such premium, interest or installment, unless a written or printed notice stating the amount of such premium, interest, installment or portion thereof due on such policy, the place where it shall be paid and the person to whom the same is payable shall have been duly addressed and mailed to the person whose life is insured or the assignee of the policy, if notice of the assignment has been given to the corporation at his or her last known post-office address in this State, postage paid by the corporation or by any officer thereof or person appointed by it to collect such premium, at least fifteen and not more than forty-five days prior to the day when the same is payable. The notice shall also state that unless such premium, interest, installment or portion thereof then due shall be paid to the corporation or to the duly appointed agent or person authorized to collect such premium, by or before the day it falls due, the policy and all payments thereon will become forfeited and void, except as to the right to a surrender value or paid-up policy, as in the contract provided. If the payment demanded by such notice shall be made within its time limit therefor, it shall be taken to be in full compliance with the requirements of the policy in respect to the time of such payment; and no such policy shall in any case be forfeited or declared forfeited or lapsed until the expiration of thirty days after the mailing of such notice. The affidavit of any officer, clerk or agent of the corporation, or of any one authorized to mail such notice, that the notice required by this section has been duly addressed and mailed by the corporation issuing such policy, shall be presumptive evidence that such notice has been duly given. No action shall be maintained to recover under a forfeited policy unless the same is instituted within three years from the day upon which default was made in paying the premium, installment, interest or portion thereof for which it is claimed that forfeiture ensued.

Policies not forfeited for nonpayment without notice.

Notice for payment.

Payment compliance with terms of policy.

Affidavit of notice.

Time for institution of action.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 9th day of March, A. D. 1909.

CHAPTER 885.

AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF NEW BERN AND IN SEVENTH AND EIGHTH TOWNSHIPS, AND TO PRESCRIBE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

- Court established. SECTION 1. A special court for the trial of petty misdemeanors committed in the city of New Bern and in Seventh and Eighth townships, Craven County, and to be designated as the "Recorder's Court of New Bern," is hereby created and established.
- Court of record. Recorder. SEC. 2. Said court shall be a court of record, and it shall be presided over by a recorder, who shall be a qualified voter of Craven County, and in his absence or sickness by a substitute recorder, who shall possess the qualifications of the recorder.
- Substitute recorder.
- Election of recorder and substitute. SEC. 3. Said recorder and substitute recorder shall be each elected at a joint meeting of the members of the board of aldermen of the city of New Bern and the members of the board of commissioners of the county of Craven, at the courthouse in said county, at twelve o'clock of the day, on the first Monday of June, one thousand nine hundred and nine, and every two years thereafter. The term of office of the recorder and substitute recorder elected as herein provided shall be two years. Said recorder and substitute recorder, to be elected as herein provided, shall, before entering upon the discharge of their duties, take and subscribe the oath required of judges of the Superior Court, before the Clerk of the Superior Court of Craven County, which said oaths shall be recorded by said clerk. The salary of the recorder shall be one thousand two hundred dollars per year, to be paid monthly out of the funds and in the manner as herein provided.
- Term of office. Recorder and substitute to qualify.
- Salary of recorder.
- Sessions of court. SEC. 4. The court shall hold daily sessions, Sundays excepted, at the courthouse in Craven County, except when the Superior Court shall be in session in said county, during which time the sessions of said recorder's court shall be held at such place as shall be provided by the board of commissioners of the county of Craven and the board of aldermen of the city of New Bern; and it is hereby made the duty of the said board of commissioners of the county of Craven and the board of aldermen of the city of New Bern to provide a suitable place for the holding of the said courts during the term of the Superior Court in Craven County. The first session of said court shall be held on the second Monday morning in June, one thousand nine hundred and nine. The Secretary of State is directed, upon the ratification of this act, to forward a certified copy thereof to the board of aldermen of the city of New Bern and to the board of commissioners of the county of Craven.
- First session.
- Secretary of state to send copy of act.

SEC. 5. Said court shall have a seal, with the impression "Recorder's Court of New Bern," which seal shall be used in attestation of writs, warrants or other proceedings, acts or judgments of said court, whenever required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.

SEC. 6. There shall be a clerk of said court, who shall be a qualified voter of New Bern and who shall be elected as hereinbefore provided for the election of the recorder of said court, and shall hold office two years. The salary of said clerk shall be forty dollars per month, to be paid as hereinbefore provided for the payment of the salary of the recorder of said court. Before entering upon the duties of his office as such clerk of said court, whose election is herein provided for, shall enter into a bond, with good and sufficient surety, to be approved by the recorder of said court, in the sum of one thousand five hundred dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting for all moneys which may come into his hands as such clerk; and the clerk, whose election is herein provided for, shall, before entering upon the discharge of his duties, take and subscribe an oath, now provided by law for clerks of the Superior Court, before the Clerk of Superior Court of Craven County, who shall record said oath.

SEC. 7. The jurisdiction of said court shall be as follows:

(a) Said court shall have final exclusive original jurisdiction of all criminal offenses committed within the city of New Bern which are now within the jurisdiction of the justices of the peace or which may hereafter be within the jurisdiction of the justices of the peace.

(b) Said court shall have final exclusive original jurisdiction of all violations of town ordinances committed within the limits of the city of New Bern.

(c) Said court shall have final concurrent original jurisdiction of all criminal offenses committed within the Seventh and Eighth townships, outside of the corporate limits of the city of New Bern, which are now or may hereafter be within the jurisdiction of the justices of the peace.

(d) Said court, in addition to the jurisdiction conferred in subsections (a), (b) and (c) of this section, shall have final exclusive original jurisdiction of the following criminal offenses, to-wit: Carrying concealed weapons; gaming; gambling; keeping gambling tables and houses; keeping bawdy-houses and disorderly houses; the larceny of and receiving stolen goods, knowing them to be stolen, where the property stolen does not exceed ten dollars in value; for failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property;

trespassing on land after forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public health, as contained in the Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and all crimes which at common law are misdemeanors, wherein the punishment is in the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment therefor shall be as now prescribed by law.

Crimes declared
petty misde-
meanors.

Jurisdiction in
preliminary
investigations.

(c) In any other criminal matter wherein said court has not final jurisdiction it shall have power and it is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed within the city of New Bern or Seventh and Eighth townships, whereof the preliminary investigation is now conferred on justices of the peace or the Mayor of New Bern, and to render such judgment in such matters as now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof; and any and all cases heard by the recorder of the court established by this act as committing magistrate against any person or persons for any offense whereof said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance, with sufficient surety, if the crime be bailable under the law, to appear at the next term of the Superior Court of Craven County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Craven County to await trial, as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Craven County to await the action of the Superior Court thereof.

Prosecutions
heretofore com-
menced.

Powers as court
of committal.

Powers in sen-
tencing convicts.

(f) Said recorder shall have all the power and jurisdiction and authority now conferred by law upon justices of the peace or the Superior Court of Craven County to sentence any person convicted in said court of a misdemeanor, for which the punishment prescribed by law is imprisonment, to be worked on the public roads of said county, as now provided by law, and the clerk of said court shall issue commitments therefor in the same manner as now provided by law for clerks of the Superior Courts.

(g) Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any criminal offenses of which the said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the Superior Court of Craven County, and upon such appeal the trial in the Superior Court shall be *de novo*. Warrants issued by recorder.
Right of appeal.
Trial de novo.

(h) The said recorder's court shall have jurisdiction of any and all criminal offenses committed before the ratification of this act and of which no court has taken jurisdiction. Offenses heretofore committed.

(i) The said court shall have full jurisdiction to issue search warrants in all cases now provided by law, and shall also have jurisdiction, exclusive, original and concurrent, of peace warrants as herein provided for other offenses. Search warrants.
Peace warrants.

SEC. 8. The costs of serving warrants, subpoenas and other processes issued by said recorder's court shall be the same as now fixed by law and shall be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses and for making up bill of costs and for any other process or writ issued by said court or services performed by said clerk for which a fee is now prescribed by law shall be the same as now fixed by law for justices of the peace and clerks of the Superior Courts in similar cases; and every defendant convicted, adjudged guilty or who pleads guilty in said court shall be taxed with the costs of the prosecution, as now prescribed by law; and all such costs recovered and collected in said court, except costs due to the sheriff, constable, police officers or specially deputized officer, shall be paid on Monday of each week by the clerk of said court to the Treasurer of Craven County, who shall keep a separate account thereof, and who shall report to the board of aldermen of the city of New Bern and the board of commissioners of the county of Craven, on the first day of each month, the amount paid him by said clerk; and the said clerk shall file with the board of aldermen of the city of New Bern and the board of commissioners of the county of Craven, on the first day of each month, an itemized statement of all costs collected by him and paid to the treasurer of the county of Craven for the month preceding. Out of the fees so paid to the treasurer of the county by the clerk of said court there shall be paid monthly, if same be sufficient, the salary of the said recorder, the compensation of the prosecuting attorney and the salary of the clerk of said court, and the expenses of stationery, books, files, dockets and other such expenses of said court. If the fees so collected and paid to the treasurer of the county of Craven shall be insufficient to pay said salary of the said recorder and the said clerk and the expenses of said court and the compensation of the prosecuting attorney, then the difference shall be paid, one-half by the city of New Bern and one-half by the board of commissioners of the county of Craven. Costs.
Fees.
Defendants convicted taxed with costs.
Costs paid over to county treasurer.
Monthly reports.
Clerk to file itemized statements.
Payment of salaries and expenses of court.
Payment of deficiency.
Division of surplus.

the fees at the end of each year shall be in excess of the salary of the recorder and of the clerk for the year and the expenses for stationery and other expenses of said court, the said excess shall be paid by the treasurer of the county of Craven, one-half to the treasurer of the city of New Bern and one-half retained by the said treasurer and credited to the general county fund of the county of Craven. The clear proceeds of all fines collected by the clerk of said recorder's court shall be paid to the treasurer of the county of Craven and shall be held by said treasurer for the purpose now provided by law: *Provided, however*, that all fees due salaried policemen of the city of New Bern shall be paid to the treasurer of the city of New Bern, to be disbursed and expended as now provided by the charter of the city of New Bern and the amendments thereto.

Fines.

Proviso: fees due salaried policemen.

Process of court.

SEC. 9. The warrants, subpœnas and other processes issued by said recorder's court shall be directed to the sheriff or other lawful officer of Craven County, and the service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county, or any police officer of the city of New Bern or other town or city, or, in the absence of such officers, by any proper person specially deputed by the recorder in writing to make service; and said warrants, subpœnas and other processes of said court, when attested by the seal of said court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

Warrants to run.

Sentences to work on roads.

SEC. 10. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the recorder shall sentence the defendant to be worked upon the public roads of the county of Craven until such sentence has been complied with, and the clerk of said court shall issue commitment of the defendant in accordance with the judgment of said court: *Provided*, such sentence may be made to work on the streets or other works of the city of New Bern, as now provided in the charter of the city of New Bern.

Proviso: street work.

Recorder to preside.

Proceedings of court.
Right of appeal.

Bond on appeal.

SEC. 11. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of such court shall be the same as are now prescribed for justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to the ensuing term of the Superior Court of said county for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to be fixed by the said recorder, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of Craven County until said defendant shall give bond or be otherwise discharged according to law.

SEC. 12. Said court shall also have jurisdiction to try all actions for recovery of any penalties imposed by law or this act, or by any ordinance of the city of New Bern, for any act done within said city of New Bern contrary to law or said ordinance, and said penalty shall be recovered in the name of the said city of New Bern.

Jurisdiction for recovery of penalties.

SEC. 13. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing of trial, and punishment imposed, which record shall at all times be open to and subject to inspection by the board of commissioners of the county of Craven and the board of aldermen of the city of New Bern and other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep records of all causes which shall be disposed of in the said court, and what disposition has been made of them.

Accounts and records kept by clerk.

Record open to inspection.

Permanent docket.

Files.

SEC. 14. All cases which have heretofore been hearable by the Mayor of New Bern shall, after this act goes into effect, be tried by the recorder appointed in this act; but no cases which are pending in the Superior Court of Craven County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court; and all cases pending before the justices of the peace of Craven County shall be tried and disposed of by said court in accordance with the law as it existed at the time of the ratification of this act.

Cases tried by recorder.

Cases pending in superior court.

Cases pending before justices.

SEC. 15. That the recorder and substitute recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in matters in which he is in no way connected by reason of the said office, or in other courts in the State in matters which have not been heard or will not be heard by him as recorder; that the clerk of said court shall not be deprived of holding other office, the duties of which will not interfere with his performing the duties of said office of clerk.

Recorder and substitute may practice law.

Clerk may hold other office.

SEC. 16. In the absence of the recorder from the city of New Bern, or in the event of sickness or disability to hold the daily sessions of said court, the court shall be presided over by the substitute recorder elected as herein provided, and he shall have all the powers and perform all the duties, the same as the recorder. His compensation shall be five dollars per day, to be paid out of the salary of the recorder.

Substitute recorder to preside in absence of recorder.

Compensation.

SEC. 17. The recorder, substitute recorder or the clerk of said court may be removed from office by the board of aldermen and

Removal for cause.

the board of commissioners of Craven County in joint session, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality and continued neglect of the duties of his office; and if either of said officers is removed the said boards at said joint meeting shall elect his successor for the unexpired term.

Election of prosecuting attorney.

SEC. 18. That the board of aldermen of the city of New Bern and the Board of Commissioners of Craven County are hereby empowered to elect the prosecuting attorney to prosecute any and all actions before said recorder's court, at a joint meeting of the members of the board of aldermen of the city of New Bern and the members of the Board of Commissioners of Craven County at the meeting of said joint board, as provided in section three of this act, and his compensation shall be fixed by the board of aldermen and board of county commissioners at said joint meeting, one-half to be paid by the city of New Bern and one-half by the county of Craven.

Compensation.

Tax fee for prosecuting attorney.

(a) There shall be taxed in the bill of costs in each case a fee for the prosecuting attorney, as now provided in cases for the solicitor in the Superior Court. Such fees shall be paid into the cost fund as other costs of said court and be used as other costs collected.

Prosecuting attorney to assist solicitor in appeals.
Tax fees.

(b) It shall be the duty of the prosecuting attorney, in all cases of appeal to the Superior Court, to assist the solicitor in said court, and fees shall be taxed in said court equal to the fees of the solicitor, and shall be paid to and used as provided in section eighteen (a), and said prosecuting attorney shall not engage in the practice of criminal law otherwise in the county of Craven while he holds the office.

Not to practice criminal law in county.

Justices of the peace to issue warrants.

Warrants returnable to recorder's court.

Other justices may make warrants returnable to recorder's court.

(c) All justices of the peace of Craven County shall have the same jurisdiction as heretofore to issue warrants in criminal cases, but in the Seventh and Eighth townships the same shall be returnable to and triable before the recorder's court, and no other. Justices of the peace in other townships of Craven County may, by order as therein or endorsed thereon, make the warrant in any case returnable to this, the recorder's court, and in all such cases this said court shall have jurisdiction as hereinbefore provided.

Witness fees.

(d) All witnesses compelled to attend by the subpoena of the court shall be entitled to the same fees as is now provided in the Superior Court, to be paid as provided for in cases in that court.

Act operative when approved by voters.

Date of election.

Ballots.

SEC. 19. That this act shall become operative when submitted to the qualified voters of the city of New Bern and approved by a majority of them at the regular city election to be held in May, one thousand nine hundred and nine; and at said election those in favor of the adoption of this act shall vote a ballot on which shall be written or printed "For Recorder's Court," and those opposed

shall vote a ballot on which shall be written or printed "Against Recorder's Court"; and if a majority vote "For Recorder's Court," then this act shall be in force and become operative.

SEC. 20. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 21. This act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 886.

AN ACT RELATING TO APPEALS FROM JUSTICES OF THE PEACE IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases of appeal in civil actions from a judgment of a justice of the peace the clerk of the Superior Court shall not be required to docket said appeal until the costs are paid or a bond given, or a deposit made to secure such costs. Appeals not docketed until costs paid or bond given.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall apply only to Wayne County.

SEC. 4. That this act shall take effect and be in force from and after its ratification. Application of act.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 887.

AN ACT RELATING TO THE COMPENSATION OF THE EMPLOYEES IN THE OFFICE OF STATE LIBRARIAN.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of section eleven of chapter-eight hundred and thirty of the Public Laws of one thousand nine hundred and seven, in so far as the same authorizes the allowance of a servant for the State Librarian, is hereby repealed. Section repealed.

SEC. 2. That section two of chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and seven be hereby amended, in line two, by striking out the words "twenty-five" and inserting in lieu thereof the word "sixty." Salary of janitor.

SEC. 3. That this act shall be in force from and after April first, one thousand nine hundred and nine. When act effective.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 888.

AN ACT TO MAKE THE TWELFTH DAY OF APRIL OF EACH YEAR A LEGAL HOLIDAY, IN COMMEMORATION OF THE "HALIFAX RESOLUTIONS."

Preamble.

Whereas the Provincial Congress which met at Halifax, in this State, in April, one thousand seven hundred and seventy-six, after providing for the military organization of the State, did, on the twelfth day of April, one thousand seven hundred and seventy-six, adopt the following resolutions, generally known as the "Halifax Resolutions," to-wit:

"*Resolved*, that the delegates from this colony in the Continental Congress be empowered to concur with the delegates from the other colonies in declaring independence and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony."

Preamble.

And whereas said resolution is the first declaration in favor of independence by the people of the whole State, through their duly authorized representatives, and was adopted more than two months before the Declaration of Independence by the Continental Congress; and whereas an occurrence so momentous in the history of our State and Nation, and so illustrative of the patriotism and wisdom of the whole people of North Carolina, should be commemorated: therefore,

Preamble.

The General Assembly of North Carolina do enact:

Legal holiday
declared.

SECTION 1. That the twelfth day of April in each and every year be and the same hereby is made a legal holiday in North Carolina.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 889.

AN ACT TO PROHIBIT THE SALE OF LIQUORS WITHIN TWO MILES OF HOPEWELL METHODIST EPISCOPAL CHURCH, SOUTH, IN SAMPSON 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 wine, cider or other spirituous liquors within two miles of Hopewell Methodist Episcopal Church, South, in Sampson County.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days, in the discretion of the court.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 890.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE COUNTIES OF VANCE AND FRANKLIN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirteen of the Public Laws of one thousand eight hundred and eighty-one be amended by striking out, after the word "thence," in line fourteen of said act, the words "in a direct line," and inserting in their place the following: "down and with the Millford Road." Line established.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 891.

AN ACT TO CHANGE SECTION 3746 OF THE REVISAL OF 1905, RELATING TO TRESPASS, IN ORDER TO AFFORD BETTER PROTECTION TO THE LANDS OF THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and forty-six of the Revisal of one thousand nine hundred and five be amended by adding after the word "misdemeanor," in line six thereof, the following: "Moreover, the State Board of Education can recover from any person cutting timber on its land three times the value of the timber which is cut." Amount to be recovered.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 892.

AN ACT TO ESTABLISH THE STOCK LAW IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Date of establishment of stock law.

SECTION 1. That from and after the first day of January, one thousand nine hundred and ten, the stock law shall be and hereby is established in the county of Lee, and from and after said day it shall be unlawful for any live stock to run at large in any part of said county, under the pains and penalties set forth in chapter thirty-five of the Revisal of one thousand nine hundred and five.

Pains and penalties.

Sale and building of fences.

SEC. 2. That the county commissioners of said county are hereby authorized to dispose of, either at public or private sale, as they may deem best, the public fences of said county, the keeping of which may be rendered unnecessary by this act, and turn over to the general fund of said county the balance of the proceeds of said fences remaining, after building any fences that may be necessary between said county and any adjoining county.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 4. That this act shall be in force from and after January the first, one thousand nine hundred and ten.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 893.

AN ACT TO PROHIBIT THE SALE OF WINE, CIDER OR ANY INTOXICATING LIQUORS WITHIN THREE MILES OF EAST ARCADIA, IN BLADEN 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 or dispose of, for gain or profit, any wine, cider or any intoxicating drink whatever to any person within three miles of East Arcadia railway station, Bladen County, in any quantity or quantities.

Misdemeanor.
Punishment.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both fined and imprisoned, 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.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 894.

AN ACT TO AMEND SECTIONS 4314 AND 4353 OF THE RE-
VISAL OF 1905, RELATING TO ELECTION RETURNS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand three hundred and fourteen of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "Said chairmen or a majority of them shall certify under their hands to the Secretary of State, upon blanks furnished by him for that purpose, a list of the names of the persons voted for in said district for senator, together with the votes cast for each, and their post-office addresses."

Returns for senators.

SEC. 2. That section four thousand three hundred and fifty-three of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "The register of deeds shall, within five days after such returns are filed in his office, certify under his official seal to the Secretary of State, upon blanks furnished by him for that purpose, a list of the persons voted for as members of the Senate and House of Representatives and all county officers, together with the votes cast for each, and their post-office addresses."

Returns for senators, representatives and county officers.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 895.

AN ACT TO PROTECT RAINBOW AND MOUNTAIN TROUT
IN THE STREAMS OF WESTERN NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons who shall kill any rainbow or mountain trout in any stream in the counties of Mitchell, Watauga and Burke with dynamite or by sacking or seining shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for not less than ten days and not exceeding thirty days or fined not exceeding fifty dollars nor less than twenty-five dollars.

Killing fish with dynamite or by sacking or seining misdemeanor.

Punishment.

SEC. 2. That any person, merchant or firm who shall sell, knowingly, or give away any dynamite cartridge, caps or fuse for the purpose of being used in killing fish shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section one of this act.

Sale of dynamite for killing fish misdemeanor.

Punishment.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 896.

AN ACT TO AMEND SECTION 1699 OF THE REVISAL OF 1905 OF NORTH CAROLINA, IN REGARD TO THE VALIDITY OF GRANTS.

The General Assembly of North Carolina do enact:

Color of title.

SECTION 1. That section one thousand six hundred and ninety-nine of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended as follows: Insert after the word "land" and before the word "made," in line three of said section, the words "issued upon an entry," and insert after the word "whatever" and before the word "shall," in line eight of said section, the words "as against persons making claim to said land and holding deeds or other muniments of title conveying the same to such persons sufficient to constitute color of title thereto, and of such date as to permit continuous possession thereunder by such persons, or those under whom they claim, for twenty years or more immediately prior to the date of such grant"; and insert after the word "grantees" and before the word "and," in line ten of said section, the words "as against such persons," and add at the end of said section the words "as against such persons."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Application of act.

SEC. 3. That this act shall apply only to Moore County.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 897.

AN ACT TO VALIDATE MARRIAGES HERETOFORE SOLEMNIZED BY UNORDAINED MINISTERS OF THE GOSPEL.

The General Assembly of North Carolina do enact:

Marriages validated.

SECTION 1. That all marriages heretofore solemnized by ministers of the gospel who were licensed, but not ordained, be and the same are hereby validated and made binding and effective from their consummation.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 898.

AN ACT TO AMEND SECTION 3890 OF THE REVISAL OF 1905, RELATIVE TO BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand eight hundred and ninety, Revisal of one thousand nine hundred and five of North Carolina, be amended by adding the following: "Any such association may in its constitution authorize the board of directors from time to time, by resolution adopted by a vote of at least two-thirds of all of 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 the constitution shall prescribe: *Provided*, such loan shall not be made for a longer period than six months, and the money so borrowed shall be used for no other purpose than to pay, in whole or in part, a loan already made to a member of said association or a maturing series of stock: *Provided further*, the total amount of money so borrowed shall at no time exceed twenty per centum of the amount then actually paid into said association as subscription or dues on installment shares."

Power to borrow money.

Proviso: loan for not longer than six months.

Use of money borrowed.

Proviso: limit of amount.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 899.

AN ACT TO AMEND CHAPTER 66, VOLUME 1, REVISAL OF 1905, RELATING TO THE BOARD OF PUBLIC CHARITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand eight hundred and seven (2807) of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "*Provided*, that the actual expenses of the members of said board or the secretary or such other official as hereafter may be appointed by said board, incurred while making such inspections of the charitable and penal institutions as the board may deem necessary, shall be paid."

Proviso: payment of expenses while making inspections.

SEC. 2. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 900.

AN ACT TO AMEND CHAPTER 368, PUBLIC LAWS OF 1907, ENTITLED "AN ACT TO PREVENT THE MANUFACTURE OR SALE OF ADULTERATED, MISBRANDED, POISONOUS OR DELETERIOUS FOODS, DRUGS, MEDICINES OR LIQUORS."

The General Assembly of North Carolina do enact:

Bleaching.

SECTION 1. That chapter three hundred and sixty-eight, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended as follows: After the word "colored" and before the word "powdered," in line one, subsection four, section six, insert the word "bleached."

Power of commissioner to suspend action

SEC. 2. At the end of section six insert the following: "Eighth. By consent of the board, the Commissioner of Agriculture may, when he deems it advisable and to the best interest of the public, suspend the action of any provision of subsection five, section six of said act, relating to the use of chemical preservatives and coal-tar dyes in food, when the provision of said section is not in harmony with the provisions of the National Food Law or rulings thereunder.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

CHAPTER 901.

AN ACT TO ALLOW FOREIGN EXECUTORS IN CERTAIN CASES TO CONVEY LAND IN THIS STATE WITHOUT GIVING BOND.

The General Assembly of North Carolina do enact:

Power to sell and convey when will devises land to executors or gives power of sale.

SECTION 1. That whenever a last will and testament heretofore or hereafter executed by any citizen or subject of a foreign state or country outside of the United States is duly executed according to the laws of the State of North Carolina and is sufficient in form and substance to devise and transfer the title to real estate located in the State of North Carolina, and such last will and testament devises lands or interest in lands in this State to the executor or executors named in such will, in trust, for the use of any person or persons named in such will, and confers full power upon such executor or executors, as trustees, to sell and convey real estate situated in this State, such executor or executors, who are also named as trustees in such will, shall have full power and authority to sell and convey the lands so devised to them as trustees.

without giving bond in this State: *Provided*, that said will is sufficient in form and substance to devise and convey real estate in this State; and *Provided further*, that said will shall be proved according to the laws of the State of North Carolina and duly recorded in the office of the clerk of the Superior Court of the county in which the land is situated.

Proviso: form and substance of will.

Proviso: will proven and recorded.

SEC. 2. Nothing in this act shall be so construed as to prevent any creditor or creditors in this State holding any claims and demands against the real estate of such deceased testator or testatrix from enforcing any demand or judgment or other lien against the lands of such testator or testatrix.

Rights of creditors.

SEC. 3. That all laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 902.

AN ACT TO AMEND CHAPTER 191 OF THE PUBLIC LAWS OF 1907, IT BEING "AN ACT TO PROVIDE FOR THE CARE OF THE MENTAL DEFECTIVES OF THE STATE."

The General Assembly of North Carolina do enact:

SECTION 1. That upon the sale of the bonds to be sold by the State Treasurer in pursuance of an act of the present session of the General Assembly entitled "An act to issue bonds to carry out the act of one thousand nine hundred and seven, to provide for the care of the insane of the State," all that portion of the amount appropriated by said act of one thousand nine hundred and seven and not yet expended by the State Hospital Commission and realized from the sale of the said bonds shall be immediately available to said hospital commission, to be used by it for the purposes set forth in said act: *Provided, however*, that this shall not embrace the thirty-one thousand dollars (\$31,000) which has been set aside by the present General Assembly to take care of maintenance deficit at the hospitals at Morganton and Goldsboro, but that sum is to be used for the purpose set out in the act providing for the issuance of five hundred thousand dollars (\$500,000) in bonds, ratified at the present session of the Legislature.

Amounts available to hospital commission.

Proviso: amount set aside for deficit.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 903.

AN ACT TO ENLARGE THE STATE HOSPITAL FOR THE DANGEROUS INSANE.

The General Assembly of North Carolina do enact:

- Appropriation. SECTION 1. That five thousand dollars be and the same is hereby appropriated to the State Hospital for the Dangerous Insane out of the funds of the State Hospital Commission, to be used for the purpose of providing additional quarters for the dangerous insane.
- Expenditure of appropriation. SEC. 2. That this amount, or so much of it as may be necessary, shall be expended under the direction of the board of prison directors for the purpose above mentioned and none other.
- Duty of auditor. SEC. 3. It shall be the duty of the auditor, upon ratification of this act, to issue his warrant in the sum of five thousand dollars;
- Duty of treasurer. and the treasurer shall place this amount to the credit of the State's Prison and deduct said amount from the funds of the State Hospital Commission, to be drawn out in the manner prescribed by law for the drawing out of other funds to the credit of the State's Prison and used for the purpose of enlarging the quarters now set aside in the State's Prison for the dangerous insane.
- SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 5. This act shall be in full force and effect from and after its ratification.
- Ratified this the 9th day of March, A. D. 1909.

CHAPTER 904.

AN ACT FOR THE BETTER PROTECTION OF SCHOOLS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

- Acts declared misdemeanor. SECTION 1. If any person shall conceal, secrete or place himself behind or about any closet or privy of any school used by the pupils for the purpose of peeping or spying upon or listening to the conversation of any person or persons in such closet or privy, he shall be guilty of a misdemeanor and be fined or imprisoned, or both, in the discretion of the court.
- Punishment.
- Application of act. SEC. 2. This act shall be in force from and after its ratification and shall apply to the county of Cumberland only.
- Ratified this the 9th day of March, A. D. 1909.

CHAPTER 905.

AN ACT TO AMEND SECTION 10 OF CHAPTER 276 OF THE PUBLIC LAWS OF 1907, IN REFERENCE TO COLLECTING CERTAIN TAXES IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter two hundred and seventy-six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding at the end thereof the following words: "*Provided however*, that the collection of the railroad and express company and Pullman-car company and telegraph and telephone company taxes may be committed to the sheriff of the respective county, in which event said sheriff shall only receive two and one-half per cent commission on such amounts collected, and shall give bond in an amount not less than the aggregate sum of said taxes, conditioned as required by law, for the faithful collection and accounting for same": *Provided*,

Proviso: collection of certain taxes may be committed to sheriff.

Commission allowed sheriff.

Bond of sheriff.

this amendment shall not apply to Hertford County.

Proviso: not to apply to Hertford county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 906.

AN ACT SUPPLEMENTARY TO AN ACT PASSED BY THE PRESENT GENERAL ASSEMBLY ENTITLED "AN ACT TO AMEND CHAPTER 948 OF THE LAWS OF 1907, RELATIVE TO FISH" (H. B. 1513, S. B. 1397).

The General Assembly of North Carolina do enact:

SECTION 1. That section two of House bill one thousand five hundred and thirteen, Senate bill one thousand three hundred and ninety-seven, entitled "An act to amend chapter nine hundred and forty-eight of the laws of one thousand nine hundred and seven, relative to fish," be and the same is hereby amended so that section two of said act shall read as follows:

"SEC. 2. That it shall be unlawful for any person to buy, sell, offer for sale or to have in his possession any bluefish, trout or drum under eight inches in length, or any mullet under six inches in length, or any croakers, spots and hogfish under five inches in length, or sea mullet, flounders, mackerel and hickory shad less than eight inches long, or butterfish and steerfish less than four and one-half inches long, at any time during the year."

Size of fish regulated.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 907.

AN ACT TO AMEND CHAPTER 28 OF THE REVISAL OF 1905, SECTION 1506, RELATIVE TO THE TRIAL OF CIVIL CASES.

The General Assembly of North Carolina do enact:

Court for Johnston county.

SECTION 1. That chapter twenty-eight of the Revisal of one thousand nine hundred and five, section one thousand five hundred and six, be and the same is amended as follows: That after the word "weeks," in line three, page four hundred and forty-nine of the Revisal, insert the following: "the tenth Monday after the first Monday in March, one week, for the trial of civil cases only."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 908.

AN ACT TO PREVENT THE SALE OF "NEAR BEER," "STAR BEER," "BULL HEAD" AND OTHER INTOXICANTS WITHIN A RADIUS OF ONE AND ONE-HALF MILES OF THE METHODIST CHURCH IN THE TOWN OF BAILEY'S, NASH COUNTY.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons to sell or offer for sale within a radius of one and one-half miles of the Methodist church in the town of Bailey's, Nash County, "near beer," "star beer," "bull head," wine or intoxicating liquors of any kind.

Punishment.

SEC. 2. Any person violating section one of this act shall be fined for each and every offense fifty dollars or imprisoned in the county jail for thirty days: *Provided*, that this act shall not apply to drug stores where intoxicating liquors are sold upon prescription by a practicing physician.

Proviso: drug stores excepted.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 909.

AN ACT TO PREVENT PERSONS HUNTING UPON THE LANDS OF ANOTHER IN GROVE TOWNSHIP AND AVERYSBORO TOWNSHIP, IN HARNETT COUNTY, WITHOUT WRITTEN PERMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt upon the lands of another in Grove Township and Averysboro Township, in Harnett County, with dogs or gun, net or trap, without the written consent of the owner of said lands or his agent, tenants, lessees or some person having lawful right to hunt thereon. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than five dollars for each offense. Hunting without permission unlawful.
Misdemeanor.
Punishment.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 910.

AN ACT TO REQUIRE ALL WHITE EPILEPTICS OF THE STATE TO BE ACCOMMODATED, MAINTAINED, CARED FOR AND TREATED AT THE STATE HOSPITAL AT RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever it becomes necessary for any white person of this State afflicted with the disease known as epilepsy to be confined or to receive hospital treatment, such person shall be accommodated, maintained, cared for and treated at the State Hospital at Raleigh. Said epileptics shall be committed by the clerks of the Superior Courts of the several counties to said State Hospital at Raleigh in the manner now provided by law for the commitment of insane persons to the several hospitals for the insane, and when such person shall be committed it shall be the duty of the superintendent of the State Hospital at Raleigh and he is required to receive such person and care for, maintain and treat him or her at said hospital at Raleigh: *Provided*, said superintendent shall find such person to be afflicted to such extent as to prop- Care and treatment of epileptics.
Committals by clerks of superior courts.
Reception in hospital directed.
 proviso: extent of affliction.

Proviso: charges on persons able to pay. erly be a public charge; and *Provided further*, than any person so committed who is able to pay shall be charged actual cost of maintenance.

Transfers from hospital at Morganton. SEC. 2. That all epileptics now being confined, cared for and maintained at the State Hospital at Morganton shall be transferred from said State Hospital at Morganton to the State Hospital at Raleigh.

SEC. 3. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

When act effective. SEC. 4. That this act shall be in force from and after the completion of the buildings now being erected at the State Hospital at Raleigh by the State Hospital Commission for the care and maintenance of white epileptics.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 911.

AN ACT TO AMEND SECTIONS 224 AND 239 OF CHAPTER 7 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

Proviso: minimum capital stock.

SECTION 1. That section two hundred and twenty-four of chapter seven, Revisal of one thousand nine hundred and five, be and the same is hereby amended by adding thereto: "*Provided*, that no bank shall be authorized to commence business with less than paid-in capital stock of five thousand dollars (\$5,000)."

SEC. 2. This act shall take effect from and after ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 912.

AN ACT REGULATING THE HUNTING OF FOXES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for any person to hunt foxes with gun or dogs or trap or carry out of the State any fox between the first day of March and the first day of September of each and every year.

Misdemeanor.
Punishment.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days.

Application of act.

SEC. 3. That this act shall apply only to Wayne County.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 913.

AN ACT TO FIX SALARIES FOR THE OFFICERS OF CRAVEN COUNTY AND TO CREATE THE OFFICE OF AUDITOR OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff, Clerk of the Superior Court and Register of Deeds of Craven County and their respective deputies shall collect and receive and account for all the fees to which they are entitled by virtue of their respective offices, and pay the same on the first of every calendar month into the treasury of Craven County; and they shall be responsible for and chargeable with all moneys of every kind which are to be or by law should be paid into their respective offices, and shall be held to strict account therefor; and the moneys so paid in shall be kept by the treasurer of said county in a separate fund, to be known as the salary fund.

Officers to collect and account for fees.

Monthly settlements.

Salary fund.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or which may hereafter by any law belong or appertain to their respective offices; and they shall receive as compensation for their services only such salaries, commissions and 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.

Officers to collect fees, commissions, profits and emoluments.

Compensation.

Abstraction, concealment or misapplication felony.

Forfeiture of office.
Punishment as for embezzlement.

SEC. 3. That each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and a ledger, in which shall be promptly, correctly, truly and accurately entered itemized accounts of all moneys collected or receivable by said officers or which by law are or may be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public upon demand, and said books shall be safely and securely kept, so as to prevent loss or destruction by theft, fire or any accident.

Books to be kept by officers.

Books open for inspection.
Safe-keeping.

SEC. 4. That on the first Monday of each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Craven County to the board of commissioners of said county, said transcript to contain and show in detail all of the entries made upon said books during the preceding calendar month, which shall be sworn to and duly verified by the officer whose duty it is to make said entries and keep the book of accounts pertaining to his respective office.

Monthly transcripts.

Manner of keeping books.	SEC. 5. The said books shall be open and kept in a manner to be prescribed and authorized by the Board of Commissioners of Craven County, who shall have constant supervision of the same.
Salary of sheriff.	SEC. 6. That the Sheriff of Craven County shall receive a salary of three thousand seven hundred dollars per annum as full compensation for his services and the services of such assistants, deputies and clerks as he may appoint, except he shall appoint a jailer, who shall receive such salary as may be fixed by the board of commissioners of said county, which said salary shall be paid by the county; all of whom shall truly, faithfully and diligently perform the duties of said office as provided by law. The said sheriff may appoint such deputies for any of the townships in said county as he may deem necessary for the public good. Said sheriff and said deputies shall account for and pay over to the treasurer of said county all fees, commissions, profits and emoluments which may come into their hands by virtue of their offices, as required by section one of this act. Said sheriff shall also pay over to the said treasurer all fees, mileage and other allowances paid to him by the State of North Carolina or by State institutions for taking prisoners to the State's Prison or insane persons to the State Hospital, deducting from the amounts paid to him the actual necessary expenses thereof.
Jailer.	
Appointment of deputies.	
Fees, mileage and allowances from State.	
Expenses.	
Salary of clerk of superior court.	SEC. 7. That the Clerk of the Superior Court of Craven County shall receive a salary of three thousand dollars per annum as full compensation for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office.
Salary of register of deeds.	SEC. 8. That the Register of Deeds of Craven County shall receive a salary of three thousand dollars per annum as full compensation for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office.
Salary of treasurer.	SEC. 9. That the Treasurer of Craven County shall receive a salary of one thousand two hundred dollars per annum for performing his duties as Treasurer of Craven County and as treasurer of the Craven County school fund, and such other duties as may be required of him by law, in lieu of all other compensation whatsoever.
Salary of chairman of commissioners.	SEC. 10. That the chairman of the Board of Commissioners of Craven County shall receive a salary of six hundred dollars per annum, and that the other members of said board shall receive the sum of four dollars per day and the usual mileage while attending meetings of said board.
Pay of other commissioners.	
Appointment of auditor.	SEC. 11. That the board of commissioners of said county, at the meeting to be held on the first Monday in December, one thousand nine hundred and ten, and annually thereafter, may appoint some suitable person to audit and approve monthly the reports
Duties of auditor.	

of said fees, commissions, profits and emoluments made by said county officers, and it shall be his duty to act as accountant for the county in settling with the county treasurer and sheriff: to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all of the officers of Craven 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 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.

Power to administer oaths.
Account books.

SEC. 12. That it shall be the duty of the Auditor of Craven County to perform all things required of him by the board of commissioners of said county, and to make out, by transcribing from the original sheets delivered to him by the register of deeds, after said sheets have been properly computed by the register of deeds, two copies of the tax lists of each township and deliver the same to the Sheriff of Craven County, and to perform all of the duties required of the register of deeds pertaining to making out and delivering said copies of tax books, except the receiving of the original tax sheets and computing the same, which shall be done by the register of deeds, as heretofore provided by law, as a part of the duties of registers of deeds. That before making out the copies of the tax books, as herein provided, the said auditor shall prove the computations made on the original tax sheets by the register of deeds. The said auditor may, at the discretion of the board of county commissioners, be allowed assistants, not exceeding two in number, in transcribing and making the said two copies of the tax books as aforesaid; said assistants to be allowed reasonable compensation for their work by said board, to be paid by said county. The said auditor shall investigate and inquire for all delinquent taxpayers, and require all delinquent property and polls to be placed upon the tax list, and keep an account of all the transfers of property in the county and the names of the parties transferring the same, as shown by the public records in the office of the register of deeds of said county.

Further enumeration of duties.

Assistants.

- Pay of auditor. SEC. 13. That the board of commissioners of said county are authorized to pay such compensation, not to exceed the sum of one hundred dollars per month, to the person auditing said accounts and performing the duties of said auditor, as in their judgment shall be right and proper; that said auditor shall execute a good and sufficient bond, 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 recovered against him for any negligence, default, malfeasance or misconduct in office.
- Auditor.
- Payment of salaries. SEC. 14. That all of the salaries herein provided for shall be paid by the Treasurer of Craven County to the persons entitled to receive the same, in monthly installments, upon warrants drawn by the board of commissioners of said county and countersigned by the chairman and secretary of said board; 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 chairman and secretary of said board.
- Expense of jail.
- 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.
- Liability for failure.
- Separate funds. SEC. 16. That all moneys coming into the hands of the Treasurer of Craven County by virtue of this act shall be held by him as a separate and distinct fund for the benefit of the county of Craven, to be used by the said board of commissioners of said county as other county funds. The said treasurer shall open a separate account with each of the several officers of said county, showing the amounts received from each and the amount paid as salaries to each, which said accounts shall be at all times open to the public for their inspection.
- Separate accounts
- Failure to collect fees a misdemeanor. SEC. 17. Any officer, clerk or assistant herein mentioned who shall fail or refuse to collect any fee, commission 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.
- SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 19. That before this act shall become operative the same Act submitted to shall be submitted to a vote of the people of Craven County at the vote of people. regular general election to be held on the first Tuesday in Novem- Date of election. ber, one thousand nine hundred and ten, at which election those Ballots. favoring this act shall vote a ballot, written or printed, which shall read as follows: "For the Salaries Act"; and those who oppose the ratification of this act shall vote a ballot on which shall be written or printed "Against Salaries Act." If a majority of voters Effect of result. vote "For Salaries Act" at said election, then the said act shall become operative and in full force and effect, and all the provisions of this act and the duties devolving upon the Board of Commissioners of Craven County under said provisions shall be performed by said board at its meeting on the first Monday in December, one thousand nine hundred and ten.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 914.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED ON THE SECOND DAY OF MARCH, 1909, AND ENTITLED "AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF ROBESON COUNTY AND TO LEVY A TAX FOR THE SAME."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of an act ratified on the second day of March, one thousand nine hundred and nine, entitled "An act to provide for the working of the public roads of Robeson County and to levy a tax for the same," be and the same is hereby stricken out and the following substituted therefor: "That the Board of Commissioners of Robeson County shall, on the first Monday in April, one thousand nine hundred and nine, and semiannually thereafter, elect, upon the recommendation of the members of the General Assembly from Robeson County, a board of road trustees for each township in the county, which shall be composed of three citizens, residents and taxpayers of the townships, and they are hereby incorporated, and the board of road trustees of such townships shall be their corporate name. Said board may sue and be sued, adopt a common seal and do any and all things which may be necessary for the accomplishment of the things designated for said board to do under the provisions of this act, and may purchase and hold property which may be necessary for the exercise of its powers." Election of road trustees.
Trustees incorporated.
Corporate name.
Corporate powers

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 915.

AN ACT TO PROMOTE AND STIMULATE THE CONSTRUCTION OF IMPROVED ROADS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That the sum of five thousand dollars annually is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, as hereinafter stated, the same to be drawn upon as directed by the geological board.

Object and purpose of appropriation.

SEC. 2. The object and purpose of this appropriation shall be to enable the North Carolina Geological Board to advise with the township and county authorities in the building and improvement of the public roads, by sending to the township or county a competent road engineer, who will assist them in locating their improved roads, advise them as to the best road to build and how to build it, and also give advice relating to the best kind of bridge to be built in connection with the improvement of any road. The geological board, through the State Geologist, may make inquiries in regard to systems of road building and management throughout the United States, and make investigations and experiments in regard to the best methods of road making and the best kinds of road material, and shall disseminate such knowledge by lectures to be given in the different counties, and by preparing, publishing and distributing bulletins and reports on the subject of road improvement, and shall also gather and tabulate information and statistics on road building in North Carolina and disseminate the same throughout the State.

Inquiries as to road building.

Investigations and experiments.

Bulletins and reports.

Information and statistics.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

CHAPTER 916.

AN ACT TO AMEND CHAPTER 210 OF THE PUBLIC LAWS OF 1905, RELATIVE TO THE ELECTION OF THE HIGHWAY COMMISSION OF VALLEYTOWN TOWNSHIP IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ten. Public Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out section one and inserting in lieu thereof the following: "That the county commissioners of Cherokee

Date of election.

County shall, not later than the first Monday in September, one thousand nine hundred and nine, order an election to elect by the qualified voters of Valletown Township three persons, who shall be incorporated and styled the highway commission of said township, under the same rules and regulations as is now or may hereafter be prescribed for the election of members of the General Assembly, who shall hold their office until the first Monday in December, one thousand nine hundred and ten, or until their successors shall be elected and qualified.”

Highway commission incorporated.
Law governing election.
Term of office.

SEC. 2. That there shall be elected at the general election held for members of the General Assembly of North Carolina, in the year one thousand nine hundred and ten, and every two years thereafter, three persons, who shall be styled the highway commission of said Valletown Township.

Election of successors.

SEC. 3. That this act shall apply only to that portion of Valletown Township that is now under the control of the highway commission.

Application of act.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 917.

AN ACT TO AMEND SECTION 180 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and eighty of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out, in line two of said section one hundred and eighty, the word “surviving” and the word “orphan,” in said line two, and the word “orphan,” in line four of said section one hundred and eighty, and inserting after the word “parent” and before the word “of,” in line two of said section, the words “or parents,” and inserting in line four of said section, after the word “parent” and before the word “shall,” the words “or parents.”

Parent abandoning children to forfeit custody.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 918. -

AN ACT TO AMEND THE LAW RELATING TO ASSIGNMENTS
FOR THE BENEFIT OF CREDITORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine hundred and sixty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby repealed, and the following section shall be substituted therefor:

All debts to
become due. "

Preferences
forbidden.

"967. *Debts mature on execution of; no preferences allowed.*—Upon the execution of any voluntary deed of trust or deed of assignment for the benefit of creditors, all debts of the maker thereof shall become due and payable at once, and no such deed of trust or deed of assignment shall contain any preferences of one creditor over another, except as hereinafter stated."

Trustee to recover
property trans-
ferred in prefer-
ence.

Preference
defined.

SEC. 2. That section nine hundred and sixty-eight of the Revisal of one thousand nine hundred and five be amended by adding to the end of said section the following: "And it shall be the duty of said trustee to recover, for the benefit of the estate, property which may have been conveyed by the grantor or assignor in fraud of his creditors, or which may have been conveyed or transferred by the grantor or assignor for the purpose of giving a preference. A preference, under this section, shall be deemed to have been given when property has been transferred or conveyed within four months next preceding the registration of the deed of trust or deed of assignment in consideration of the payment of a pre-existing debt, when the grantee or transferee of such property knew or has reasonable ground to believe that the grantor or assignor was insolvent at the time of making such conveyance or transfer."

Proviso: removal
of trustee.

SEC. 3. That section nine hundred and sixty-nine of the Revisal of one thousand nine hundred and five be amended by adding to the end thereof the following: "*Provided*, that upon the written petition of one-fourth of the number of the creditors of the grantor or assignor whose claims aggregate more than fifty per cent of the total indebtedness of the said grantor or assignor, the clerk of the Superior Court of the county in which said deed of trust or deed of assignment is registered, upon a notice of not more than ten days to said trustee of said petition, shall remove said trustee and appoint some competent person to execute the provisions of such deed of trust or deed of assignment."

Verbal amend-
ment.

SEC. 4. That section nine hundred and seventy of the Revisal of one thousand nine hundred and five shall be amended by striking out the words "such insolvent," in the second line of said section nine hundred and seventy, and by adding in lieu thereof the word "any."

SEC. 5. That section nine hundred and seventy-two of the Revisal of one thousand nine hundred and five shall be amended by

adding to the end thereof the following: "The trustee, after paying the necessary costs of the administration of the trust, shall pay as speedily as possible (1) all debts which are a lien upon any of the trust property in his hands, to the extent of the net proceeds of the property upon which such debt is a lien; (2) wages due to workmen, clerks, traveling or city salesmen or servants which have been earned within three months before registration of said deed of trust or deed of assignment, and (3) all other debts equally ratable." Priority of payments.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force from and after the first day of July, one thousand nine hundred and nine When act effective.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 919.

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY, SESSION 1909, ENTITLED "AN ACT TO PRESERVE THE INTEGRITY OF THE BALLOT AND PREVENT ELECTION FRAUDS IN NEW HANOVER COUNTY."

Whereas the act mentioned in the title of this bill has been duly passed by the General Assembly, after having had section nine thereof stricken out; and whereas said section nine was stricken out for the reason that it was the sense of the Senate that the penalty provided therein should have been a misdemeanor and not a felony; and whereas it was the intention of the Senate to make the penalty for a violation of the duties prescribed for election officers under said bill a misdemeanor, and the whole of said section nine was by inadvertence to the exceptions provided in section ten of said bill stricken out; and whereas the said bill provides for the county of New Hanover that form of ballot commonly known as the Australian ballot, of which secrecy is the most essential requirement, and said section nine of said bill was the only section in said bill which provided that election officers and those responsible for the administration of the election laws in said county should preserve the secrecy of the ballot and not give information as to how electors voted; and whereas the elimination of said section nine from said bill would defeat the object of said act: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That said bill be amended by adding in lieu of said section nine stricken out of said bill, as aforesaid, the following words:

- Divulging vote a misdemeanor. "Sec. 9. That if any registrar, poll holder, judge of election or any other person in any way connected with the conduct of any election or primary election, or with the administration of any law governing such election or primary election held in said county or city under the provisions of this act, learn or remember and tell or in any way make known for what candidate or candidates or set of candidates any voter or elector voted or cast his ballot, such person shall be guilty of a misdemeanor and, upon conviction, fined not less than fifty dollars nor more than one thousand dollars, or imprisoned in the common jail of the county for not less than thirty days nor more than one year, or both fined and imprisoned, in the discretion of the court."
- Punishment. SEC. 2. That this act shall be in force from and after its ratification.
- Ratified this the 9th day of March, A. D. 1909.

CHAPTER 920.

AN ACT TO REGULATE THE APPROVAL AND SAFE-KEEPING OF SECURITIES DEPOSITED UNDER SECTION 4780 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

- Deposits. SECTION 1. That section four thousand seven hundred and eighty of the Revisal be amended by striking out, in lines four and five thereof, the words "now required and authorized by law for the investment of life insurance funds," and inserting in lieu of same the words "described in section four thousand seven hundred and thirty-one of the Revisal."
- Approval of securities. SEC. 2. That said section of the Revisal be further amended by adding at the end thereof the following: "All securities offered to the Insurance Commissioner for deposit under this section shall, before acceptance by him, be approved by a committee, composed of the said commissioner, the State Treasurer and the Attorney-General; and, when of the character prescribed by law and approved by a majority of said committee, shall be by the Insurance Commissioner listed in a book of records kept in his department for that purpose. The said committee shall endorse on said record, at the end of said list of such securities, its approval of the securities named in said list. Said record shall contain a separate list or account of the securities deposited by each insurance company, so kept as to show at all times the total value of all securities on deposit for each company. No security shall be withdrawn or substituted except upon the approval of said committee. All said securities, after being approved and listed as aforesaid, shall be
- Committee of approval.
- Record of approved securities.
- Endorsement of record.
- Method of keeping record.
- Withdrawal and substitution.

deposited with the State Treasurer, who shall receipt to the Insurance Commissioner for them. The said committee shall, twice a year, in the months of June and December, review and assess the value of all securities on deposit under this section.”

Deposit for safe-keeping.
Review of securities.

SEC. 3. That section four thousand seven hundred and eighty-one of the Revisal of one thousand nine hundred and five be amended by striking out, in lines four and five thereof, the words “life insurance companies of this State are authorized by law to invest in,” and by inserting in lieu thereof the following words: “described in section four thousand seven hundred and thirty-one of the Revisal of one thousand nine hundred and five.”

Lawful deposits.

SEC. 4. That all laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 921.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED MARCH 2, 1909, BEING “AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF ROBESON COUNTY AND TO LEVY A SPECIAL TAX FOR THE SAME.”

The General Assembly of North Carolina do enact:

SECTION 1. That section one of an act ratified on the second day of March, one thousand nine hundred and nine, entitled “An act to provide for the working of the public roads of Robeson County and to levy a tax for the same,” be and the same is hereby stricken out and the following substituted therefor:

“Section 1. That the Board of Commissioners of Robeson County shall, on the first Monday in April, one thousand nine hundred and nine, and semiannually thereafter, elect, upon the recommendation of the members of the General Assembly from Robeson County, a board of road trustees for each township in the county, which shall be composed of three citizens, residents and taxpayers of the township, and they are hereby incorporated, and the board of road trustees of such township shall be their corporate name. Said board may sue and be sued, adopt a common seal and do any and all things which may be necessary for the accomplishment of the things designated for said board to do under the provisions of this act, and may purchase and hold property which may be necessary for the exercise of its powers.”

Election of road trustees.

Trustees incorporated.
Corporate name.
Corporate rights.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 922.

AN ACT TO AMEND CHAPTER 100 OF THE REVISAL OF 1905, RELATING TO DOMESTIC INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Establishment of guaranty fund.	SECTION 1. That chapter one hundred of the Revisal of one thousand nine hundred and five be amended by adding after section four thousand seven hundred and thirty-seven (a) the following:
Amount.	"Any insurance company formed as provided in this subchapter, or now existing by virtue of any of the laws of North Carolina, may establish a guaranty fund of not less than twenty-five thousand dollars nor more than two hundred thousand dollars, in the
Money, bonds or other securities may be received as guaranty fund.	following manner: Any such insurance company may receive from any person, firm or corporation money, bonds or other securities, in such amount as may be agreed upon, for the purpose of providing a guaranty fund, to be used as hereinafter provided, for the
Certificates.	payment of the claims of policy holders. Upon the receipt of any such bonds, moneys or other securities by any insurance company, it shall issue its certificate, in writing, authenticated as required by law for certificates of stock, stating the amount, terms and conditions of repayment of such money or the return of such bonds or other securities, the name of the payee or depositor, and the said certificate shall also state upon its face that it is issued under the provisions of this section. The said money, bonds or other securities, when so paid to or deposited with such insurance
Liability of guaranty fund.	company, shall become a part of the guaranty fund of the insurance company so receiving the same, and shall be liable for all the claims of policy holders after the general assets of such insurance company shall have been exhausted: <i>Provided</i> , that
Proviso: debts due stockholders and general creditors. Separate accounts of guaranty fund.	the said guaranty fund shall not be liable for the claims or debts due to stockholders or the general creditors of such insurance company. Every insurance company which shall establish a
Investments of fund.	guaranty fund under the provisions of this section shall keep a separate account of the same on its books, together with a full and true list of any securities held therefor. The money and securities belonging to said guaranty fund shall be invested in the same manner as is now provided by law for the investment
Proviso: deposit with insurance commissioner.	of the other assets of insurance companies: <i>Provided</i> , that any bond or other securities received by any such insurance company as a part of its guaranty fund may be deposited with the Insurance Commissioner, as is now allowed by law, subject, however,
Payment for use of guaranty fund.	to the further provisions of this section; that any insurance company receiving said money or securities as a part of its guaranty fund, as herein provided, may pay to the person, firm or corporation from whom the same may be received a semiannual dividend of not more than three and one-half per cent on the amount of said

money or securities. The guaranty fund herein provided for shall be applied to the payment of claims of policy holders only when the insurance company has exhausted its cash on hand and the invested assets, exclusive of uncollected premiums; and when the said guarantee is in any way impaired the directors may make good the whole or any part of such impairment by assessments upon the contingent funds of the company at the date of such impairment, if any are available. Such guaranty fund shall be retired when the permanent fund of the company equals two per centum of the amount insured upon all policies in force; and such guaranty fund may be reduced or retired by vote of the directors of the company and the assent of the Insurance Commissioner, if the net assets of the company above the reinsurance reserve and all other claims and obligations, exclusive of the guaranty fund, for two years immediately preceding and including the date of its last annual statement, shall not be less than twenty-five per centum of the guaranty fund. Due notice of such proposed action on the part of the directors of the company shall be mailed to each director of the company not less than thirty days before the meeting when such action may be taken, and shall also be advertised in two newspapers of general circulation, to be approved by the Insurance Commissioner, not less than twice a week for a period of not less than four weeks before such meeting. No insurance company with a guaranty fund, as hereinbefore provided, which has ceased to do new business, shall return or retire any part of said guaranty fund or divide to its stockholders any part of its general assets, except incomes from its investments, until it shall have performed, reinsured or canceled its policy obligations. In the event of insolvency or voluntary liquidation of any such insurance company, the amount of the guaranty fund shall be returned to the persons, firms or corporations, their heirs, executors, administrators, successors or assigns, from which the same was received, in full or *pro rata*, as the case may be, before any amount shall be paid from the assets of said company to the stockholders of the said company; the intention of this section being that the liability of the said company for the repayment or the return of its guaranty fund, as evidenced by its certificates therefor, as hereinbefore provided, shall be preferred in the distribution of its assets to the stockholders and general creditors of the said company, other than its policy obligations. No insurance company shall create a guaranty fund, as provided in this section, except upon the approval of a majority of its stockholders, authorized at any regular or special meeting called for the purpose."

Use of guaranty fund.

Impairment of fund.

Retirement of fund.

Notice of proposed action.

Company ceasing business.

Insolvency or voluntary liquidation.

Approval of majority of stockholders.

Companies now doing business.

SEC. 2. That any insurance company now doing business as a domestic insurance company under the laws of this State which has received any money or securities to be held as a guaranty capital, guaranty surplus or guaranty fund may convert the same into

a guaranty fund, as hereinbefore provided, by mutual agreement between the board of directors of said insurance company and the parties from whom the said money or securities have been received, subject, however, to the approval of the Insurance Commissioner, and thereupon certificates shall be issued therefor, as hereinbefore provided, and the same shall thereafter be held subject to the rights and liabilities provided in this act.

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 923.

AN ACT TO REQUIRE FIRE INSURANCE COMPANIES TO MAKE DEPOSITS WITH THE INSURANCE COMMISSIONER IN THE STATE OF NORTH CAROLINA FOR THE PROTECTION OF THEIR CONTRACTS.

The General Assembly of North Carolina do enact:

Statement of
amount of cap-
ital stock.

Deposit of bonds.

Bond in fidelity or
surety company.

Deposits in pro-
portion to capital
stock.

Receipt for
deposits.
Proviso: power of
attorney.

Depreciation of
deposit.

Securities depos-
ited delivered to
treasurer.

SECTION 1. Unless otherwise provided in this act, every fire insurance company chartered by any other State or foreign government shall, by their general agent or through some authorized officer, deliver under oath to the Insurance Commissioner of this State a statement of the amount of capital stock of said company, and deposit with him bonds of the United States, or of the State of North Carolina, or of the cities or counties of this State, or a bond approved by the Insurance Commissioner in some fidelity or surety company licensed to do business in the State of North Carolina, as follows: Companies whose capital stock is five hundred thousand dollars or less, ten thousand dollars; companies whose capital stock is more than five hundred thousand dollars and not over one million dollars, twenty thousand dollars; companies whose capital stock is in excess of one million dollars, twenty-five thousand dollars; and the Insurance Commissioner shall thereupon give the agent a receipt for the same: *Provided*, that with securities so deposited the company shall at the same time deliver to the Insurance Commissioner a power of attorney authorizing him to transfer said securities or any part thereof for the purpose of paying any of the liabilities provided for in this act. The Insurance Commissioner shall require each such company to make good any depreciation or reduction in value of said securities. The securities required to be deposited by each insurance company in this act shall be delivered for safe-keeping by the Insurance Commis-

sioner to the Treasurer of the State, who shall receipt him therefor. For securities so deposited the faith of the State is pledged that they shall be returned to parties entitled to receive them or disposed of as hereinafter provided for. The securities deposited by any company under this act shall not, on account of such securities being in the State, be subject to taxation, but shall be held exclusively and solely for the protection of contract holders: *Provided, also*, that any fire insurance company may deposit first mortgages on real estate, to be approved by the Insurance Commissioner of this State.

Faith of state pledged for return of securities.
Deposits not subject to taxation.

Proviso: deposit of first mortgages on real estate.

SEC. 2. The Insurance Commissioner, at the time of receiving said securities, shall give to the company authority to draw the interest thereon, as the same may become due and payable, for the use of the company, which authority shall continue in force until the company fails to pay any liability arising upon any policy made in favor of any persons, firms or corporation which shall be at the time said liability arises a resident of this State or which shall own property in the State covered by policies issued, in which case the corporation charged with the payment of such interest shall be forthwith notified of such failure, and thereafter such interest, so long as such liability shall exist, shall be payable to the Insurance Commissioner, to be applied, if necessary, to the payment of any such liability.

Authority to draw interest on deposits.

Authority revoked on failure to pay liability.

SEC. 3. If the said company fail to pay any of its liabilities on said contracts according to the terms thereof, after the said liabilities shall have been adjusted between the parties in the mode prescribed by the contracts, if a mode be prescribed thereby, or after the same shall have been ascertained in any mode agreed upon by the parties or by the judgment, order or decree of the court having jurisdiction of the subject, the Insurance Commissioner shall, upon the application of the party to whom the debt or money is due, and upon satisfactory proof that the notice herein required to be given said company has been given, proceed to sell at public auction such an amount of the said securities as, with the interest in his hands, will pay the sum due and expenses of sale, and out of the proceeds of sale pay said sums and expenses: *Provided*, that the party making said application shall give to the company or to the agent of the company in this State twenty days' notice of his intention to apply for the sale of said securities to the Insurance Commissioner; and *Provided further*, that such company shall be required forthwith to make good any deficit in the amount of the deposit caused by said sale. The Insurance Commissioner shall advertise the sale of said securities for thirty days prior to the day of sale in some daily newspaper published in the city of Raleigh, and shall state in said advertisement the securities to be sold and the company depositing them, a copy of which shall be mailed to said company.

Sale of deposits for payment of liabilities.

Proviso: notice to company.

Proviso: deficit to be made good.

Advertisement of sale.

Lien of policies and contracts on deposits.

SEC. 4. Upon the securities deposited as aforesaid with the Insurance Commissioner by any such insurance company, the holders of all contracts of said company who are citizens or residents of this State at such time, or who hold such policies issued upon property in the State, shall have a lien for the amounts due them, respectively, under or in consequence of such contracts for losses, equitable values, return premiums or otherwise, and shall be entitled to be paid ratably out of the proceeds of said securities, if such proceeds be not sufficient to pay all of said contract holders; and whenever any such company depositing securities as aforesaid shall have become insolvent or bankrupt or shall have made an assignment for the benefit of its creditors, any holder of such contract shall have the right to begin an action in the Superior Court of the county of Wake to enforce the said lien for the benefit of all the holders of such contracts. The Insurance Commissioner shall be a party to the suit, and the funds shall be distributed by the court, but no cost of such action shall be adjudged against the Insurance Commissioner.

Action for enforcement of lien.

Insurance commissioner party to suit.

Deposits in place of securities paid.

SEC. 5. Where the principal of any of said securities so deposited is paid to the Insurance Commissioner, he shall notify the company or its agent in this State, and pay the money so received to the said company upon receiving other securities of the character named in section one of this chapter to an equal amount, or upon the failure of the company for thirty days after receiving notice to deliver such securities to an equal amount to the Insurance Commissioner he may invest the said money in any such securities and hold the same as he held those which were paid off.

Investments if deposits not made.

Return of deposits.

SEC. 6. If such company cease to do business in this State, and its liabilities, whether fixed or contingent upon its contracts, to persons residing in this State or having policies upon property situate in this State shall have been satisfied or shall have been terminated, upon satisfactory evidence of this fact to the Insurance Commissioner the State Treasurer shall deliver to such company, upon the order of the Insurance Commissioner, the securities in his possession belonging to it, or such of them as remain after paying the liabilities aforesaid.

Deposits made before license issued.

SEC. 7. Whenever any fire insurance company shall file an application with the Insurance Commissioner to be admitted to do business in this State it shall be the duty of said commissioner to require of it a compliance with the provisions of this act before issuing a license to such company. Any fire insurance company now doing business in this State shall be allowed until July first, one thousand nine hundred and nine, to comply with the provisions of this act, and upon failure to do so on or before that time it shall be the duty of the Insurance Commissioner of the State to revoke its license to do business in North Carolina.

Time allowed companies now licensed.

Revocation of license on failure.

SEC. 8. Any and all bonds given in fidelity or surety companies in lieu of deposits, as provided in section one of this act, shall be subject to the same conditions and liability as are imposed by this act upon deposited securities, and shall be conditioned to faithfully respond to all the obligations herein created against deposits, and to pay any final judgment entered up against such company in any court of competent jurisdiction in this State for failure to comply with its contracts. Judgment creditors shall have the right to bring suit on said bond for satisfaction in the county in which the judgment is rendered.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1909.

CHAPTER 924.

AN ACT TO PREVENT AND PUNISH THE SALE OR OFFERING FOR SALE OF ADULTERATED, IMPURE OR MISBRANDED AGRICULTURAL AND VEGETABLE SEED AND THOSE LACKING VIABILITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term "agricultural seed," as used in this act, shall include the seeds of red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, redtop, meadow fescue, oat grass, rye grass and other grasses and forage plants, flax, rape and cereals and any seed sold for planting. "Vegetable seed" shall include any seed sold to be used in growing vegetables of any kind.

SEC. 2. Every parcel, package or lot of agricultural seeds, as defined in section one, containing one pound or more, offered or exposed for sale in this State for use within the State shall have affixed thereto, in a conspicuous place on the outside thereof, distinctly printed in the English language, in legible type, a statement certifying:

- | | |
|---|--|
| First, the name of the seed. | Name of seed. |
| Second, full name and address of seedsmen, importer, dealer or agent. | Name and address of seedsmen, importer, dealer or agent. |
| Third, a statement of the purity of the seed contained, specifying the kind and percentage of the impurities, as defined in sections six and seven of this act, if the said seeds are below the prescribed standards. | Purity of seed. |
| Fourth, locality where said seed was grown, when known. | Locality where grown. |
| SEC. 3. The Commissioner of Agriculture, in person or by deputy or inspector, is hereby authorized to take from any lot or package of seeds over one pound in weight a sample not exceeding four | Samples. |

Sample forwarded for analysis and comparison. Duplicate of sample.	<p>ounces in weight, said sample to be drawn or taken in the presence of the party or parties in interest, or their representatives, and it shall be taken from a parcel or lot of parcels which shall not be less than five per cent of the whole lot inspected, or said sample may be taken in the presence of two disinterested witnesses. Said sample so taken shall be forwarded to the Department of Agriculture for analysis and comparison, with the certified statements required by section two of this act. A duplicate of said sample shall, upon request, be furnished to the person offering or exposing said seeds for sale.</p>
Fee for report of examination.	<p>SEC. 4. Upon receipt of a fee of fifty cents the Department of Agriculture shall furnish the person with whom the duplicate sample was left a report of the examination of said seeds.</p>
Seeds to be free from adulterants.	<p>SEC. 5. No person shall sell, offer or expose for sale or distribution in this State, for the purpose of seeding, any of the agricultural seeds, as defined in section one of this act, unless said seeds are free from seed or bulbs of wild onions, commonly known as wild onions, wild garlic, field garlic, crow garlic, wild leek, or genus <i>allium</i>, species <i>vineale</i> and <i>canadense</i>, or the following weeds: wild mustard or charlock (<i>Brassica arvensis</i>, L. Kt.), quack grass (<i>Agropyron repens</i>, L. Beau.), Canada thistle (<i>Cirsium arvense</i>, L. Scop.), wild oats (<i>Avena fatua</i>, L.), clover and alfalfa dodder (<i>Cuscuta Epithymum</i>, Murr.) and corn cockle (<i>Agrostemma Githago</i>, L.), cheat or chess (<i>Bromus secalinus</i>, L.), dog fennel (<i>Eupatorium capillifolium</i>), wild carrot (<i>Daucus Carota</i>).</p>
Adulterants specified.	
Seeds considered as impurities.	<p>SEC. 6. The seeds of the following weeds shall be considered as impurities in agricultural seeds sold, offered or exposed for sale within this State for the purpose of seeding: cheat or chess (<i>Bromus secalinus</i>, L.), white cockle (<i>Lychnis alba</i>, Mill.), night-flowering catchfly (<i>Silene Noctiflora</i>, L.), curled dock (<i>Rumex crispus</i>, L.), smooth dock (<i>Rumex altissimus</i>, Wood), sheep sorrel (<i>Rumex Acetosella</i>, L.), yellow trefoil (<i>Medicago lupulina</i>, L.), sweet clover (<i>Melilotus alba</i>, Desr., and <i>M. officinalis</i>, L.), black mustard (<i>Brassica nigra</i>, L. Koch), plantain, buckhorn (<i>Plantago lanceolata</i>, L.), bracted plantain (<i>Plantago aristata</i>, Michx.), bind weed (<i>Convolvulus sepium</i>, L.), smoot crab grass (<i>Digitaria humifusa</i>, Pers.), common chickweed (<i>Stellaria media</i>, L. Cyrill). When such impurities or any of them are present in quantity exceeding in their combined weight a total of two per cent of the weight of said agricultural seed, the approximate percentage of each shall be plainly indicated in the statement required by section two of this act.</p>
Percentage of adulterants to be expressed.	
Other impurities.	<p>SEC. 7. Sand, dirt, chaff and foreign substances and seeds other than those specified in section eight and section nine, or broken seed and seed not capable of germinating, shall be considered impurities when present in agricultural seeds. When such impurities or any of them are present in quantity exceeding the</p>
Percentage to be stated.	

standards of purity and viability authorized in section eleven of this act, the name and approximate percentage of each shall be plainly indicated in the statement specified in section two.

SEC. 8. For the purposes of this act, seeds shall be deemed to be mixed or adulterated: Seed deemed adulterated.

First, when orchard grass (*Dactylis glomerata*, L.) seed contain ten per cent or more of meadow fescue (*Festuca elatior*, L.) seed or Italian rye grass seed (*Lolium Italicum*, A. Br.) or English rye grass (*Lolium perenne*, L.) seed. Orchard grass.

Second, when red clover (*Trifolium Pratense*, L.), mammoth Red clover, red clover (*Trifolium Pratense*, var.) or alfalfa (*Medicago sativa*, L.) contains five per cent or more by weight of yellow trefoil (*Medicago lupulina*, L.), or sweet clover (*Melilotus alba*, Desr., or *M. officinalis*, L. Lam.) seed; or.

Third, when Kentucky blue grass or blue grass (*Poa pratensis*, L.) seed contain five per cent or more by weight of Canada blue grass (*Poa compressa*, L.) seed, redtop (*Agrostis alba*, L.) seed, redtop chaff or any other seed or foreign substance. Blue grass.

Fourth, when rape (*Brassica napus*, L.) contains five per cent Rape, or more of common mustard (*Brassica sinapistrum*, Boiss) or black mustard (*B. nigra*, L. Koch).

SEC. 9. *Misbranded seed*.—For the purposes of this act, seeds shall be deemed misbranded when meadow fescue (*Festuca elatior*, L.), English rye grass (*Lolium perenne*, L.) or Italian rye grass (*Lolium Italicum*, A. Br.) is labeled or sold under the name of orchard grass (*Dactylis glomerata*, L.) seed. Seeds deemed misbranded. Orchard grass.

Second, when Canadian blue grass (*Poa compressa*, L.) seed, redtop (*Agrostis alba*, L.) seed or any other seed not blue grass seed is sold under the name of Kentucky blue grass or blue grass (*Poa pratensis*, L.) seed. Kentucky blue grass.

Third, when yellow trefoil (*Medicago lupulina*, L.), burr clover (*Medicago hispida*, Gaertn.) or sweet clover (*Melilotus alba*, Desr.) is sold under the name of clover, June clover, red clover (*Trifolium pratense*, L.), medium red clover, small red clover, mammoth red clover, sapling clover, peavine clover (*T. pratense*, L. var.) or alfalfa (*Medicago sativa*, L.) seed. Clover.

Fourth, when the seed are not true to the name under which they are sold. Seed not true to name.

SEC. 10. Provisions concerning agricultural seeds contained in this act shall not apply to: Persons not affected.

First, any person or persons growing or selling seed for food purposes only, or having such seed in possession for sale for such purposes. Growing or selling seed for food.

Second, any person selling direct to merchants, to be cleaned or graded before being offered for sale for the purpose of seeding. Selling direct to merchants.

This shall not, however, exempt the seller from the restrictions of section four of this act.

Seed held for
recleaning.

Third, seed that is held in storage for the purpose of being recleaned and which has not been offered or exposed or held in possession for sale for the purpose of seeding.

Seed marked "Not
absolutely clean"
held or sold for
export.
Seed sold without
certificate.

Fourth, seed marked "Not absolutely clean" and held or sold for export outside of the State only.

Fifth, the sale of seed that is grown, sold and delivered for any farmer on his own premises for seeding by the purchaser himself, unless the purchaser of said seed obtains from the seller at the time of the sale thereof a certificate that the seed is supplied to the purchaser subject to the provisions of this act.

Seed for lawn
grass.

Sixth, mixtures of seeds for lawn-grass purposes, but this shall not exempt the seller of such mixtures of seeds from the restrictions of sections four and seven of this act.

Standards of
purity and
viability.

SEC. 11. *Standards of purity.*—The following standards of purity, meaning freedom from weed seeds and other foreign seeds, and viability, are hereby fixed:

Name of Seed.	Per Cent. of Purity.	Per Cent. of Viable Seed.
Alfalfa	96	80
Barley	98	90
Blue Grass, Canada.....	90	45
Blue Grass, Kentucky.....	80	45
Brome, awnless	90	75
Clover, alsike	96	75
Buckwheat	96	90
Clover, crimson	98	85
Clover, red	92	80
Clover, white	90	75
Corn, field	99	94
Corn, sweet	99	75
Fescue, meadow	95	85
Flax	96	89
Millet, pearl	99	65
Millet, common	90	85
Millet, hog	90	85
Oats	98	90
Oat grass, fall.....	72	70
Orchard grass	70	70
Rape	99	90
Redtop	90	70
Rye	98	90
Rye Grass, perennial.....	96	90
Rye Grass, Italian.....	95	80
Sorghum	96	80
Sorghum for fodder.....	90	60
Timothy	96	85
Wheat	98	90

SEC. 12. The execution and enforcement of this act is hereby committed to the Board of Agriculture, who are authorized to appoint inspectors and make regulations for that purpose, which regulations shall have the force of law as provided for the execution of the laws relating to quarantine inspection, pure food, crop pests, stock feeds and other matters committed to the direction of the board. Any violation of any such regulation shall be a misdemeanor, punishable upon conviction by fine or imprisonment, in the discretion of the court.

Board of agriculture to enforce act.
Inspectors.
Regulations.

Violation of regulation a misdemeanor.
Punishment.

SEC. 13. Any person selling or exposing for sale any of the seeds specified in sections eight and nine of this act which are mixed, adulterated or misbranded, or any agricultural seeds which do not comply with sections five, six and seven, and any person who shall prevent or attempt to prevent any inspector or other employee or agent of the Department of Agriculture in the discharge of his duties or violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisoned at the discretion of the court: *Provided*, that no one shall be convicted of violation under the provisions of section five if he shall prove that the weed seeds named therein are present in quantities of not more than one in ten thousand and that due diligence has been used to find and remove said seed.

Acts declared misdemeanors.

Punishment.

Proviso: minimum of adulterants and due diligence.

SEC. 14. All seedsmen and others who sell farm or garden seeds to be used in producing crops for sale or for family use shall be bound as guarantors that such seeds are true to kind and name, as represented at the time of sale, whether said seeds were raised by the seller or by another; and if such seeds are sold by an agent, the principal shall be bound by the representations of said agent in regard to the kind and name of the seed so sold. If any paper or package containing seed sold in this State for planting or seeding has printed or written thereon the name, kind or quality of the seeds therein, the seller shall be bound in the courts of this State by the same written or printed statement, unless it be affirmatively proven that there was some other agreement between the parties in respect thereto.

Seedsmen bound as guarantors.

Principal bound by representations of agent.

Seller bound by statement on package.

SEC. 15. Any citizen of the State may send to the Department of Agriculture samples of seeds they have purchased or may wish to have examined with a view of purchasing, for examination and analysis. The Department of Agriculture shall have examination and analysis made according to the provisions of this act and send copy of such analysis to the party sending the seed.

Citizens may send samples for analysis.

Analysis.

SEC. 16. Persons or firms desiring to sell or offer for sale seeds in this State shall have like privileges as to their goods upon payment of a fee of fifty cents for each sample.

Fee for analysis to sellers.

SEC. 17. For the purpose of providing a fund to defray the expenses of the examination and analysis prescribed in this act, each

Licenses.

person, firm or corporation selling or offering for sale in or for export from this State any seed as mentioned in this act shall register with the Department of Agriculture the name of the person, firm or corporation offering the seed for sale, and shall pay a license tax annually of twenty-five dollars, the same to be paid in July, one thousand nine hundred and nine, and January, one thousand nine hundred and ten, and annually thereafter. The commissioner's receipt for such money shall be license to conduct the business, and the agents or sellers of said person, firm or corporation paying such tax shall not be required to pay any further tax under this act.

Receipt for license fee license.

License fees to use of department of agriculture.

SEC. 18. The Commissioner of Agriculture shall pay all moneys received from such license, together with all fees as prescribed in section sixteen of this act, into the Treasury of the State, to be credited to the funds of the Department of Agriculture, and it shall be drawn out upon warrant of the commissioner, as required by law for other funds.

Selling or attempting to sell seed without license a misdemeanor. Punishment.

SEC. 19. Any person, firm or corporation selling or attempting to sell seed in this State without procuring the prescribed license, or any person, firm or corporation violating any other provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

When act effective.

SEC. 20. This law shall be in force from and after July first, one thousand nine hundred and nine.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 925.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AT STEEL'S MILLS, PEE DEE MILL No. 1, PEE DEE MILL No. 2, ROBEDEL MILL No. 1, ROBEDEL MILL No. 2 AND HANNAH PICKETT MILLS, IN RICHMOND COUNTY, AND TO PROTECT PROPERTY AND PRESERVE THE PEACE OF SAID VILLAGE.

The General Assembly of North Carolina do enact:

Arrests without warrant.

SECTION 1. That whenever it shall be necessary for the preservation of the public peace, good order and decency, or the protection of life, liberty, person or property of individuals in the villages of Steel's Mills, Pee Dee Mill Number One, Pee Dee Mill Number Two, Robedel Mill Number One, Robedel Mill Number Two and Hannah Pickett Mills, situated in Richmond County, or in one-half mile of the cotton mills erected in said villages, the deputy sheriff or deputy sheriffs appointed by the Sheriff of Richmond County, living and residing in said villages, shall have power and author-

ity and it shall be the duty of said deputy sheriff to arrest the body of parties violating the law in Richmond County in one-half mile of said cotton mills, without warrant, and take such person or persons before some justice of the peace residing in the township in which such village is situated, when and where formal complaint shall be made against such offenders as is prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs; and in the meantime and until the cases of such person or persons charged with having violated the law shall be tried and disposed of by the justice of the peace, such person or persons may be confined in a guardhouse or calaboose provided for that purpose by said officers, unless bail shall be given as provided by law. That it shall be the duty of said deputy sheriff to suppress all disturbances of the quiet and good order in the said villages, and to prevent as far as possible all injuries to property in said villages, and if the deputy sheriff shall be resisted in the execution of his duty he shall have the power and it shall be his duty to call to his assistance any citizen or citizens, and if such citizen or citizens refuse to aid such officer when called he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Confinement
pending trial.

Suppression of
disturbances.

Prevention of
injuries to
property.
Power to sum-
mon posse.
Refusal to assist
sheriff a mis-
demeanor.
Punishment.

SEC. 2. That any person found drunk on the streets or roads, or in any public place in said villages, or on the premises of the cotton mills in said villages, or in one-half mile thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars or imprisoned not exceeding ten days: *Provided*, nothing herein shall confer power on said officers within the town of Rockingham.

Public drunken-
ness a misde-
meanor.

Punishment.

Proviso: powers
not extended to
Rockingham.

SEC. 3. That any person who shall use vulgar or obscene language on the premises of the cotton mills in said villages shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars or be imprisoned not more than ten days.

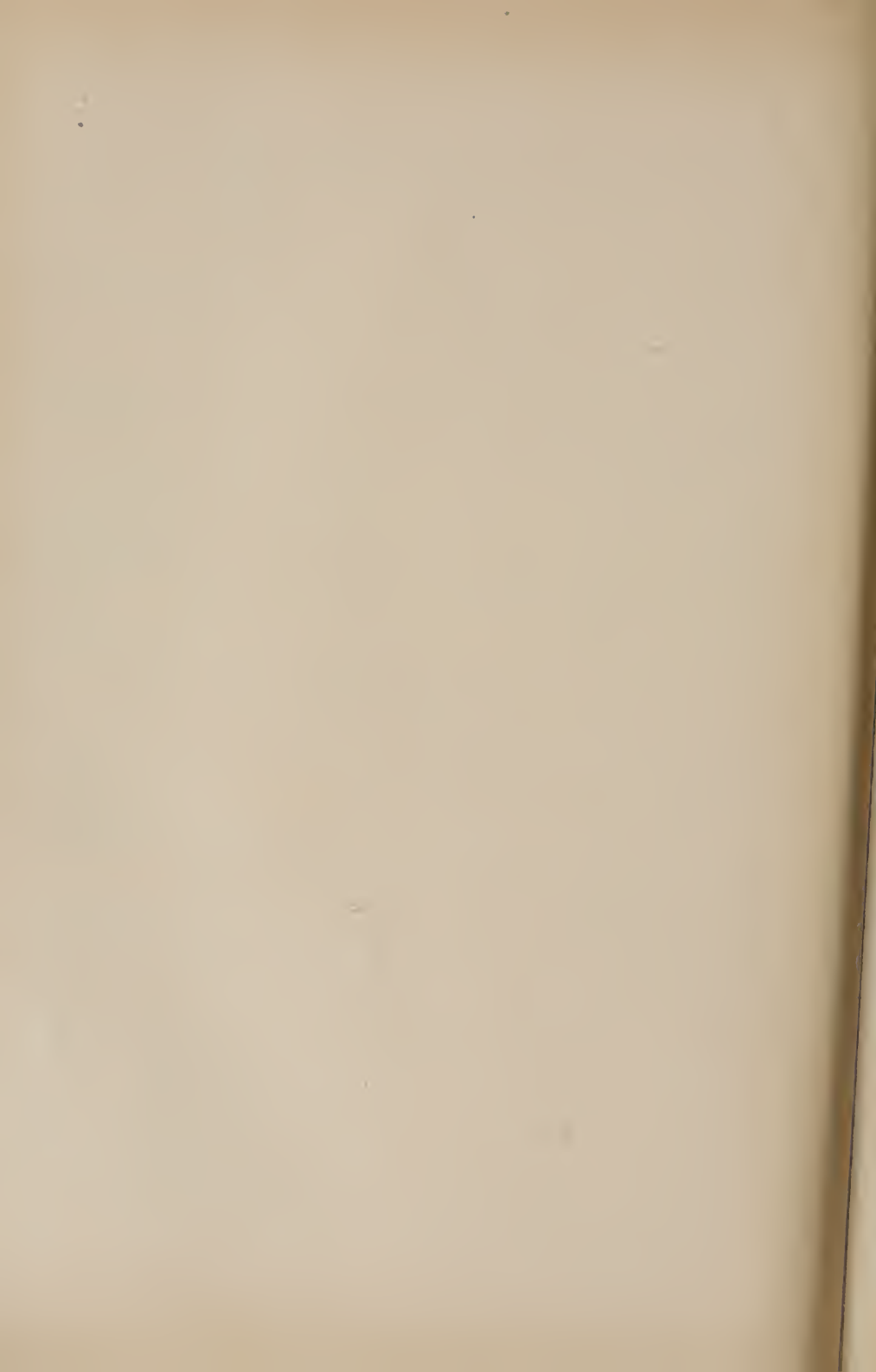
Use of vulgar or
obscene language
a misdemeanor.
Punishment.

SEC. 4. That said deputy sheriffs shall wear an officer's badge when on duty.

Deputy to wear
badge.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.



RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1909.

JOINT RESOLUTION TO HEAR THE GOVERNOR'S MESSAGE.

Be it resolved by the Senate, the House of Representatives concurring:

That the Senate and the House of Representatives meet in joint session in the hall of the House of Representatives at eleven-thirty A. M. on January the seventh, one thousand nine hundred and nine, to hear his excellency, Governor R. B. Glenn, read his annual message to the General Assembly, and that a committee of two be appointed on the part of the Senate and three on the part of the House to escort the Governor to the hall of the House of Representatives upon the convening of the joint session.

Joint session to hear message.

Joint committee.

Ratified this the 11th day of January, A. D. 1909.

RESOLUTION FOR JOINT SESSION TO OPEN RETURNS FOR STATE OFFICERS.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Senate and the House of Representatives meet in joint session in the hall of the House of Representatives at noon on Tuesday, January the twelfth, one thousand nine hundred and nine, and there proceed to open and publish the returns for Governor, Lieutenant Governor, Secretary of State, Auditor, Superintendent of Public Instruction, Attorney-General and other State officers.

Joint session to be held.

SEC. 2. That the persons so ascertained to be elected shall be inducted into office on Tuesday, January the twelfth, one thousand nine hundred and nine, at one o'clock P. M.

Date set for inauguration.

SEC. 3. That a joint committee of three on the part of the Senate and seven on the part of the House shall be appointed, whose duty it shall be to provide suitable arrangements and regulations for the inauguration, and report the expenditures incurred by the committee.

Committee of arrangements.

Ratified this the 11th day of January, A. D. 1909.

RESOLUTION IN FAVOR OF J. A. LISK.

Resolved by the House of Representatives, the Senate concurring:

Per diem and
mileage allowed.

That the Clerk of the House be instructed to issue a voucher to J. A. Lisk, Doorkeeper for the session one thousand nine hundred and seven, for two days' pay and mileage, for services in the organization of the present House, and that the auditor and treasurer be authorized to pay same.

Ratified this the 11th day of January, A. D. 1909.

RESOLUTION RESERVING THE EAST PORTICO OF THE CAPITOL FOR GUESTS OF THE MEMBERS OF THE GENERAL ASSEMBLY DURING THE INAUGURAL CEREMONIES.

Resolved by the Senate, the House of Representatives concurring:

Admission by
card.

Cards to be fur-
nished members.

Doorkeepers.

That the east portico of the Capitol be reserved for the guests of the members of the General Assembly during the inaugural ceremonies, and that admission be by card, and that the Doorkeepers of the respective houses shall furnish each member with one ticket, and they shall assign one of their assistants to act as doorkeeper to the entrance of this portico.

Ratified this the 12th day of January, A. D. 1909.

RESOLUTION TO PRINT TWO THOUSAND COPIES OF INAUGURAL ADDRESS OF HON. W. W. KITCHIN.

Resolved by the House of Representatives, the Senate concurring:

For the use of the
general assembly.

That two thousand copies of the inaugural address of Hon. W. W. Kitchin be printed for the use of the General Assembly.

Ratified this the 16th day of January, A. D. 1909.

JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES RELATIVE TO THE ELECTION OF A UNITED STATES SENATOR.

Resolved by the Senate, the House of Representatives concurring:

Time for balloting
fixed.

That each House will, at twelve o'clock M. on Tuesday, January the nineteenth, one thousand nine hundred and nine, proceed to ballot for a Senator of the United States to fill the vacancy occurring on the fourth day of March, one thousand nine hundred and nine.

Ratified this the 19th day of January, A. D. 1909.

JOINT RESOLUTION FOR CELEBRATION OF GENERAL
LEE'S BIRTHDAY.

Resolved by the House of Representatives, the Senate concurring:

That the General Assembly of North Carolina, when it adjourns, Adjournment.
do this day adjourn in honor of the one hundred and second birth-
day of General Robert E. Lee.

That the hall of the House of Representatives be tendered to the Daughters of the Confederacy to hold memorial exercises celebrat- Use of hall for
ing the birthday of General Lee, on Thursday, January the twenty- memorial exer-
first, one thousand nine hundred and nine, at seven-thirty P. M. cises.

Ratified this the 20th day of January, A. D. 1909.

A RESOLUTION TO PAY EXPENSES OF DR. BOLTON AND
DR. J. R. GORDON TO TUBERCULOSIS CONVENTION AT
CHARLOTTE.

*Be it resolved by the House of Representatives, the Senate concur-
ring:*

SECTION 1. That the sum of eleven dollars and ninety-five cents Appropriation.
be paid Dr. M. Bolton and the sum of eleven dollars and ninety-five
cents be paid to Dr. J. R. Gordon, their expenses for attending the
Tuberculosis Convention at Charlotte, North Carolina, on January
the thirteenth and fourteenth, one thousand nine hundred and nine.

SEC. 2. That this resolution shall be in force from and after its
ratification.

Ratified this the 26th day of January, A. D. 1909.

RESOLUTION OF THANKS TO THE PRESIDENT AND
STUDENT BODY OF THE UNIVERSITY OF NORTH CARO-
LINA.

Resolved by the House of Representatives, the Senate concurring:

That the General Assembly of North Carolina do hereby extend Thanks extended.
thanks to Honorable Francis P. Venable, president, and the faculty
and students of the University of North Carolina for their very
courteous reception and cordial hospitality extended to the mem-
bers of the General Assembly who attended the exercises at the
University in honor of the memory of General Robert E. Lee, and
for the opportunity to hear the magnificent address of Honorable
Woodrow Wilson, president of Princeton University, upon the life
and character of our glorious Southern chieftain.

Ratified this the 26th day of January, A. D. 1909.

JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES CONSENTING THAT THE UNIVERSITY OF NORTH CAROLINA BE EMBRACED WITHIN THE BENEFITS OF THE CARNEGIE FOUNDATION FUND.

Be it resolved by the Senate, the House of Representatives concurring:

Preamble.

SECTION 1. Whereas the Board of Trustees of the University of North Carolina, at a meeting held at Chapel Hill on Monday, June first, one thousand nine hundred and eight, received the following communication and adopted the resolutions following, and the said action was approved by the Governor of this State as herein set out, to-wit:

"To the Honorable Board of Trustees:

Memorial to trustees.

"GENTLEMEN:—At the annual meeting of the trustees of the Carnegie Foundation for the Advancement of Teaching, held in November, one thousand nine hundred and six, memorials were presented from many State universities urging that they be included in the scope of the plan of retiring allowances. Action looking to the same end was also taken at the last meeting of the National Association of State Universities. Mr. Carnegie has now signified his willingness to extend the provisions of the foundation to State universities, providing entrance requirements to reach the standard required in the foundation, and provided also that the State, acting through its Legislature, make known its desire to have its University included.

"For the time intervening before the meeting of the State Legislature it will be necessary for the trustees of the State University to endorse the petition of the University, which endorsement, with that of the Governor, will put the University within the benefits of the foundation until the Legislature meets.

"The value to a university of being thus included need not be dwelt upon. Mr. Carnegie's foundation is not a form of charity. It provides for the superannuated, but its appeal is primarily to those actively engaged in teaching. It lifts the whole profession to a higher plane, calls more men to the service of education, enables teachers, by relieving them of the pressure of financial anxiety, to devote their undivided energies to teaching and investigation, and thus pays rich dividends to the State, in better service, happier lives and more untrammelled devotion to the work in hand. It is evident, also, that a university coming within the provisions of the foundation, can draw its teachers from a wider circle and thus command abler men than one not thus included.

"The president and faculty, therefore, of the University of North Carolina, through the undersigned committee, appointed April fifteenth, one thousand nine hundred and eight, would hereby peti-

tion you to take formal action on this matter and to forward to Dr. Henry S. Pritchett, president of the Carnegie Foundation, five hundred and seventy-six Fifth Avenue, New York, such statement as you may deem proper.

"It is hardly necessary to assure you that the entrance requirements of the University of North Carolina are in advance of those required by the foundation, or to remind you that two former members of the faculty of the University have, through special action, become recipients of Mr. Carnegie's noble action.

(Signed) "C. ALPHONSO SMITH,
"CHAS. H. HERTY,
"H. M. WAGSTAFF,
Committee."

Thereupon it was resolved that the recommendation of the communication of the committee is approved, and that a proper statement be prepared and forwarded to the president of the Carnegie Foundation. Approval by trustees.

"I, R. B. Glenn, Governor of the State of North Carolina, do most heartily approve the communication of the committee of the faculty of the University on the subject of the Carnegie Foundation Fund and the action of the board of trustees of the said University thereupon. I am satisfied that the University comes up to the entrance requirements for adopting certain colleges on the list to be benefited by the Carnegie Foundation Fund, and I can commend this college and assert that no institution in the South is doing a greater work for the cultivation and elevation of young manhood than the University of North Carolina. Approval by governor.

"R. B. GLENN,
Governor."

SEC. 2. That the General Assembly of North Carolina approve the action of the Board of Trustees of the University and the Governor of the State, as set out in section one, and the General Assembly of North Carolina does consent that the University of North Carolina accept the benefits of the Carnegie Foundation Fund. Approval and consent of general assembly.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 27th day of January, A. D. 1909.

JOINT RESOLUTION OF SYMPATHY TO ITALY.

Resolved by the House of Representatives, the Senate concurring:

That this General Assembly of the State of North Carolina, in regular session, tender to the King and Queen of Italy and their subjects its most profound sympathy in their recent disaster. Profound sympathy tendered.

Ratified this the 28th day of January, A. D. 1909.

A JOINT RESOLUTION TO PAY THE EXPENSES OF THE
JOINT SUBCOMMITTEE OF THE SENATE AND HOUSE ON
INSANE ASYLUMS WHICH VISITED THE HOSPITAL AT
MORGANTON.

Resolved by the House of Representatives, the Senate concurring:

Warrant to be
drawn.

That the auditor be and is hereby directed to draw his warrant on the treasurer of North Carolina for the sum of one hundred and sixty-nine dollars and thirty-five cents in favor of J. W. Burton, chairman of a Joint Subcommittee on Insane Asylums, to pay the actual expenses of sending said subcommittee to visit the State Hospital at Morganton, the amount due the several members being as follows:

Itemized state-
ment.

Senator Burton	\$12.80
Senator Haws	13.85
Senator Matthews	12.50
Senator Lathan	12.50
Senator Spence	12.50
Senator Holden	12.50
Representative Foy	11.75
Representative Hooker	11.50
Representative Julian	11.75
Representative Mitchell	11.75
Representative Gaston	11.45
Representative Smith	11.75
Representative Campbell	11.25
Representative Butler	11.50

Ratified this the 4th day of February, A. D. 1909.

A JOINT RESOLUTION RELATIVE TO THE PAYMENT OF
EXPENSES INCURRED BY THE INAUGURAL COMMITTEE,
AS PROVIDED BY HOUSE RESOLUTION 7, SENATE RESO-
LUTION 1.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

That one thousand and fifty dollars (\$1,050) be appropriated for the payment of expenses incurred by the Joint Committee on the Inauguration.

Ratified this the 4th day of February, A. D. 1909.

A JOINT RESOLUTION IN FAVOR OF T. N. HAYES.

Resolved by the House of Representatives, the Senate concurring:

That the funeral expenses of Representative T. N. Hayes, of Expenses to be
Wilkes, be paid by the State, and that the Speaker be authorized ^{paid.} Speaker to sign
to sign his warrant for this in the same manner as other expenses ^{warrant.}
of the House.

Ratified this the 11th day of February, A. D. 1909.

A JOINT RESOLUTION RELATIVE TO PAYING THE EXPENSES OF THE SUBCOMMITTEE ON INSANE ASYLUMS.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the sum of thirty-five dollars and forty cents be Appropriation.
and is hereby appropriated to pay the expenses of the Joint Sub-
committee on Insane Asylums which visited the hospital at Golds-
boro, and the auditor is hereby authorized to issue his warrant on
the treasurer, payable to J. W. Burton, who will distribute the
same in accordance with the statement of the amounts due the
several members, which is hereto attached, as follows:

SENATORS.

J. L. Barham	\$3.00
F. P. Latham	4.00
J. A. Spence	2.80
S. A. McCall	2.60
A. M. Fry	2.90
J. W. Burton	4.10

Itemized state-
ment.

REPRESENTATIVES.

J. T. Foy	3.90
Dr. M. Bolton	3.80
Dr. R. P. Floyd	3.10
Dr. J. A. Pickett	2.60
Dr. A. J. McDevitt	2.60

That the auditor is also authorized to issue his warrant on the
treasurer for four dollars, payable to J. T. Foy for hack hire
advanced for committee visiting Central Hospital at Raleigh.

SEC. 2. This resolution shall be in force from and after its ratifi-
cation.

Ratified this the 11th day of February, A. D. 1909.

RESOLUTION TO PAY EXPENSES OF SUBCOMMITTEE ON
DEAF AND DUMB WHICH VISITED THE INSTITUTE AT
MORGANTON.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

SECTION 1. That sixty-seven and fifty one-hundredths dollars is hereby appropriated to pay the expenses of the House subcommittee of five which visited and inspected the School for the Deaf and Dumb at Morganton, and the auditor is hereby authorized to issue his warrant on the treasurer, payable to Representative E. M. Koonce, who will distribute the same, as follows:

Itemized statement.

J. Yates Killian.....	\$14.50
J. E. Cook.....	18.50
H. S. Harrison.....	15.50
E. M. Koonce.....	19.00
<hr/>	
Total	\$67.50

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

JOINT RESOLUTION TO PAY EXPENSES OF JOINT SUB-
COMMITTEE OF SENATE AND HOUSE COMMITTEES ON
EDUCATION WHICH VISITED THE STATE NORMAL
AND INDUSTRIAL COLLEGE AND THE EAST CAROLINA
TEACHERS' TRAINING SCHOOL AT GREENVILLE.

Resolved by the Senate, the House of Representatives concurring:

Appropriation.

SECTION 1. That the sum of one hundred and twenty-four dollars and ninety cents is hereby appropriated to pay expenses of the subcommittees of the Senate and House committees on education which visited the State Normal and Industrial College at Greensboro and the East Carolina Teachers' Training School at Greenville, and the auditor is hereby authorized to issue his warrant, payable to Alex. L. Blow, who will distribute the same in accordance with the statement of the amounts due the several members, which is hereto attached, as follows:

Itemized statement.

P. B. Means, to Greensboro.....	\$8.50
P. B. Means, to Greenville.....	3.50
Y. T. Ormond, to Greensboro.....	6.75
J. A. Barringer, to Greensboro.....	4.10
Whitehead Kluttz, to Greensboro.....	6.75
J. F. Tilson, to Greenville.....	3.40

M. D. Ray, to Greenville.....	\$3.40
A. S. Dockery, to Greenville.....	3.50
J. Y. Killian, to Greensboro.....	6.60
J. Y. Killian, to Greenville.....	3.40
R. K. Davenport, to Greensboro.....	6.60
A. E. Henderson, to Greensboro.....	6.60
M. Bolton, to Greensboro.....	6.60
E. R. Wooten, to Greensboro.....	6.60
Smith Hageman, to Greenville.....	3.40
J. R. Smith, to Greenville.....	4.00
W. P. Rose, to Greenville.....	3.40
J. R. Gordon, to Greenville.....	3.90
G. W. Conner, to Greenville.....	3.40
D. C. Barnes, to Greenville.....	3.40
E. Crawford, to Greenville.....	3.40
J. M. Mitchell, to Greenville.....	3.40
Alex. L. Blow, to Greensboro.....	7.25
Alex. L. Blow, to Greenville.....	4.05
H. B. Tatem, for carriages at Greensboro.....	9.00

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

RESOLUTION INSTRUCTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO FAVOR THE PASSAGE OF "AN ACT FOR THE RELIEF OF DISABLED MEMBERS OF THE UNITED STATES LIFE-SAVING SERVICE."

Whereas the employees of the United States Life-saving Service Preamble.
are constantly in danger of and often losing their lives in the performance of their hazardous duties in their efforts to save and protect the lives and property of shipwrecked seamen; and Preamble.
whereas, by reason of the dangers and exposure to which their duties call them, they often sacrifice their lives to save the lives of unfortunate mariners, thus constantly making widows and orphans, leaving them helpless and destitute; and whereas the United States Preamble.
Congress has already provided some measure of relief: therefore,
be it

Resolved by the House of Representatives, the Senate concurring:

That our Senators and Representatives from North Carolina in the United States Congress be and they are hereby instructed to urge the passage of an act to amend sections seven and eight of an act of Congress approved May fourth, one thousand eight hundred

Senators and
representatives
instructed.

Amount. and eighty-two, so as to provide that any person who has heretofore or may hereafter be discharged from the United States Life-saving Service, by reason of injury sustained or disability contracted while in the actual performance of their duties in the service, shall be entitled to receive an amount equal to fifty per cent of wages received at date of discharge: *Providing, also*, that surfmen and keepers of United States life-saving stations may retire at the age of sixty years, or after having served continuously for twenty years, and be entitled to receive an amount equal to fifty per cent of the wages received at the date of such retirement.

Proviso: retire- ment. That copies of this resolution be transmitted to each of our Senators and Representatives in the United States Congress immediately after the same is adopted.

Copies of resolution to be sent. Ratified this the 18th day of February, A. D. 1909.

RESOLUTION TO PAY EXPENSES OF SUBCOMMITTEE ON DEAF AND DUMB WHICH VISITED THE INSTITUTE AT MORGANTON.

Resolved by the Senate, the House of Representatives concurring:

Appropriation. SECTION 1. That fifty-three dollars is hereby appropriated to pay the expenses of the Senate subcommittee of four which visited and inspected the School for the Deaf and Dumb at Morganton, and the auditor is hereby authorized to issue his warrant on the treasurer, payable to Senator A. P. Godwin, who will distribute the same. as follows:

Itemized statement.	J. C. Mills.....	\$13.50
	J. L. Scott, Jr.....	12.50
	A. P. Godwin.....	13.50
	J. C. Sherrill.....	13.50
	Total	\$53.00

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

A JOINT RESOLUTION RELATIVE TO THE COMPENSATION OF JULIAN TIMBERLAKE, JR., CHIEF PAGE OF THE SENATE, SESSION OF 1907.

Preamble. Whereas, at the session of the General Assembly of one thousand nine hundred and seven a joint resolution was adopted by the House and Senate allowing Winfield Chadwick, Jr., chief page of

the House, the sum of ninety dollars as extra compensation, he having received one dollar per day during said session; and Preamble. whereas Julian Timberlake, Jr., the chief page of the Senate, was allowed nothing as extra compensation, and only received for his services the sum of one dollar per day: now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That Julian Timberlake, Jr., chief page of the Senate, Allowance. be and he is hereby allowed the sum of ninety dollars as extra compensation for services rendered as chief page of the Senate for the session of one thousand nine hundred and seven, the same to be paid as other expenses of the Senate.

SEC. 2. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

RESOLUTION TO PAY THE EXPENSES OF THE SPECIAL
COMMITTEE FOR VISITING AND EXAMINING THE STATE
HOSPITAL FOR TUBERCULOSIS AT MONTROSE, NORTH
CAROLINA.

Resolved by the House of Representatives, the Senate concurring:

That the sum of forty-six dollars (\$46) be and the same is hereby Appropriation. appropriated and ordered to be paid out of the State Treasury to the following-named persons:

Senator J. L. Scott.....	\$4.80	Itemized state- ment.
Senator Matthis	4.80	
Senator Peele	4.00	
Representative Campbell.....	4.80	
Representative Floyd.....	4.80	
Representative Underwood.....	4.80	
Representative Braswell	4.80	
Representative Bolton.....	4.40	
Representative Pickett.....	4.40	
Representative Smith of Randolph.....	4.40	

Ratified this the 24th day of February, A. D. 1909.

JOINT RESOLUTION TO PROVIDE MORE LIGHTS IN THE CAPITOL.

Resolved by the House of Representatives, the Senate concurring:

Lights to be
installed.
Supervision and
direction.

That additional lights, either electric or gas, be installed in the corridors and rotunda of the Capitol, and that this work be done under the supervision and direction of the Committee on Public Buildings and Grounds, and that they be empowered to place any other additional lights which in their judgment may be necessary.

Ratified this the 24th day of February, A. D. 1909.

RESOLUTION OF THANKS TO MR. JOHN BLUE AND MR. TUFT.

Resolved by the House of Representatives, the Senate concurring:

Preamble.

Whereas the General Assembly of North Carolina sent a committee to visit and inspect the State Sanitarium for Tuberculosis at Montrose, North Carolina, we desire to thank Mr. John Blue, president of the Aberdeen and Rockfish Railroad, for extending the special train; also thank Mr. Tuft, of Pinehurst, for the magnificent entertainment of our committee. These courtesies were extended without cost to the State.

Thanks extended.

Ratified this the 26th day of February, A. D. 1909.

RESOLUTION TO PAY MISS A. V. MOREL FOR SERVICES AS STENOGRAPHER TO COMMITTEE ON PRIVILEGES AND ELECTIONS.

Resolved by the House of Representatives, the Senate concurring:

Payment.

That Miss A. V. Morel be paid the sum of ten dollars for services as stenographer for the Committee on Privileges and Elections in taking the testimony in the contested election of D. M. Stringfield against Charles T. Williams, from Dare County, and that a warrant be issued to her for the said amount.

Services.

That this resolution take effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

RESOLUTION TO PAY MEMBERS OF THE COMMITTEE ON PENAL INSTITUTIONS.

Resolved by the House of Representatives, the Senate concurring:

That the Auditor of the State be directed to issue a warrant on the Treasurer of the State to R. R. Cotton, chairman of the House Committee on Penal Institutions, for fifty-three dollars and thirty-five cents (\$53.35), to be distributed as follows:

R. R. Cotton.....	\$11.00	Itemized state-
F. W. Hanes.....	14.70	ment.
Hugh Bryan.....	14.70	
Dr. J. C. Braswell.....	12.95	

And that the Auditor of the State be and he is hereby directed to draw his warrant to J. W. Dawes, chairman of the Committee on Penal Institutions on the part of the Senate, to the amount of twenty-seven dollars and ninety-five cents, to be distributed as follows:

Brook Empie.....	\$12.95	Itemized state-
U. M. Lee.....	15.00	ment.

the expenses incurred by the joint committee who visited and inspected the railroad camp below Belhaven and the State farm in Halifax County.

Ratified this the 2d day of March, A. D. 1909.

RESOLUTION PROVIDING FOR THE ELECTION OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

That a joint ballot of the two houses be taken on Saturday, February twenty-seventh, at three-thirty o'clock P. M., to elect trustees for the University of North Carolina.

Ratified this the 2d day of March, A. D. 1909.

RESOLUTION RELATIVE TO THE ELECTION OF A TRUSTEE OF THE UNIVERSITY IN PLACE OF GEORGE W. CONNOR, WHO HAS RESIGNED.

Whereas the Honorable George W. Connor has declined to serve as trustee of the University, to which position he was elected on last Saturday: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the General Assembly go into an election on Tuesday at noon, March second, one thousand nine hundred and nine, to fill the position so made vacant.

Ratified this the third day of March, A. D. 1909.

A JOINT RESOLUTION RELATING TO THE PROMOTION OF
THE FISHERY INDUSTRIES OF NORTH CAROLINA.

Preamble.

Realizing the great value of the fisheries to the State of North Carolina, that these fisheries are being rapidly depleted, and that some measures are necessary to prevent this depletion, and that steps should be taken to foster and perpetuate these industries: therefore be it

Resolved by the House of Representatives, the Senate concurring:

Committee to be
appointed.

SECTION 1. That there shall be created a committee of seven, three to be appointed by the Speaker of the House from the members of the House of Representatives and two by the President of the Senate from the members of the Senate. Of the three members of the House one shall be from the western part of the State, one from the central part of the State and the third from the eastern part. The President of the Senate shall appoint one member from eastern North Carolina and one from the central part of the State. None of the seven members of the committee shall be financially interested in any of the fisheries. The President of the Senate and Speaker of the House of Representatives shall be members of said committee.

Members
ex officio.

Duty of com-
mittee.

SEC. 2. This committee shall thoroughly investigate the fisheries of North Carolina, including fin fish, oyster, clam and other mollusca, crab, lobster, terrapin, etc., and make a report, in the form of a bill, to be presented to the Legislature of one thousand nine hundred and eleven, which will embody such legislation as in their judgment they deem best for the building-up of the fisheries of North Carolina.

Report in form
of bill.

Experts from na-
tional bureau.

SEC. 3. In order to facilitate the work of this committee, they are hereby authorized to request the Commissioner of the United States Bureau of Fisheries to detail one of their experts to sit with the committee during its deliberations. The committee is further authorized to visit and examine any portion of the waters of North Carolina which they deem necessary in order to fully inform themselves upon the existing conditions relating to the fishery industries. This committee is also further authorized to use the State boat under the control of the Oyster Commissioner in going from one part of the rivers and sounds of eastern North Carolina to another. The committee is also further authorized to call in for consultation the Fish Commissioner, the Oyster Commissioner, the State Geologist and other public servants that they believe can give them any information of value regarding the fishery industries. They are further authorized to sit at some central point in eastern North Carolina, after they have visited what places they deem necessary for the collecting of information, where delegations of fishermen or

Powers of com-
mittee.

representatives of fishermen from various portions of eastern North Carolina can appear before the committee to give information regarding the fisheries of the State.

SEC. 4. The committee shall be allowed all their actual expenses Pay of committee. in attending to this work and four dollars per diem while in the actual performance of their duties, but the per diem shall not be for more than thirty days.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1909.

RESOLUTION ON BEHALF OF THE CLERKS OF THE HOUSE AND SENATE.

Whereas the clerks of the House of Representatives and the Preamble. clerks of the Senate have been true and faithful servants of this General Assembly and have discharged the arduous duties incumbent upon them in a faithful and efficient manner; and whereas Preamble. during the latter part of this session the work of the Legislature has increased to such an extent that they have been required to work almost day and night in order to keep up with their work:

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Principal Clerk of the House of Representatives, his assistants, and the Principal Clerk of the Senate and his assistants be and they are hereby allowed the sum of fifty cents per day extra, in addition to their salary. Principal clerks
and assistants.

SEC. 2. That the principal clerks of the House and Senate, respectively, are hereby authorized and directed to issue vouchers therefor. Vouchers.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1909.

RESOLUTION TO PAY GEORGE C. FISHER FOR SERVICES RENDERED AT SPECIAL SESSION OF THE GENERAL ASSEMBLY OF 1908.

Whereas the session of the General Assembly of one thousand Preamble. nine hundred and seven passed a resolution allowing the employees of the House and Senate a sum of twenty-five cents per day in addition to their regular per diem; and whereas George C. Fisher, an Preamble.

employee of the House, failed, through an oversight, to get this allowance at the extra session of one thousand nine hundred and eight: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Payment
authorized.

That the auditor is authorized and instructed to draw his warrant on the treasurer for the sum of three dollars in favor of the said George C. Fisher.

This resolution shall be in full force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

A RESOLUTION TO PAY W. A. THOMPSON FOR SERVICES
RENDERED AS A CLERK TO THE COMMITTEE ON PRIVILEGES
AND ELECTIONS.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.
Services.

SECTION 1. That the sum of ten dollars (\$10) be and it is hereby appropriated to pay W. A. Thompson as clerk to the Committee of Privileges and Elections, and the proper authority is hereby authorized to issue to the said Thompson a warrant therefor.

SEC. 2. That this resolution shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

JOINT RESOLUTION RELATIVE TO THE COMPENSATION
OF PAGES.

Resolved by the House of Representatives, the Senate concurring:

Allowance.

SECTION 1. That the pages of the House and the Senate be and they are hereby allowed fifty cents per day extra to the amount allowed them, and their actual railroad fare from their respective homes to the city of Raleigh and return.

Vouchers.

SEC. 2. That the principal clerks of the House and Senate are hereby authorized to issue their vouchers, and the Auditor of the State shall issue his warrants for the same, which shall be paid by the State Treasurer.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

A RESOLUTION TO PAY THE EXPENSES OF CHARLES T. WILLIAMS, CONTESTEE IN THE CONTEST OF D. M. STRINGFIELD FOR A SEAT IN THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the auditor be and he is hereby directed to draw Appropriation. his warrant on the State Treasurer for the sum of one hundred and six dollars and fifty cents (\$106.50), in favor of Charles T. Williams, to pay the expenses of the said Williams as contestee in the contest of D. M. Stringfield for a seat in the House of Representatives from the county of Dare, and that the said sum of one hundred and six dollars and fifty cents (\$106.50) be and it is hereby appropriated for said purpose.

Expense account	\$ 56.50	Itemized statement.
Attorney's fee allowed.....	50.00	
	<hr/>	
	\$106.50	

SEC. 2. That this resolution shall be in force and effect from and after its ratification.

Ratified this 6th day of March, A. D. 1909.

JOINT RESOLUTION IN FAVOR OF MRS. S. J. HAYES, A WIDOW, THE MOTHER OF T. N. HAYES, LATE MEMBER OF THE HOUSE OF REPRESENTATIVES FROM WILKES COUNTY.

Resolved by the House of Representatives, the Senate concurring:

That the State Auditor be and he is hereby authorized and Appropriation. directed to draw his warrant on the State Treasurer in favor of Mrs. S. J. Hayes, a widow, the mother of T. N. Hayes, late a member of the House of Representatives from the county of Wilkes, for Amount. the sum of one hundred and sixteen dollars, the same being balance of amount which would have been due on the seventh day of March, one thousand nine hundred and nine, to the said T. N. Hayes as per diem as a member of the House of Representatives, and the State Treasurer is authorized and directed to pay the same.

Ratified this the 6th day of March, A. D. 1909.

RESOLUTION IN FAVOR OF BARTLETT Y. HILLIARD,
A CONFEDERATE PENSIONER.

Preamble.

Whereas Bartlett Y. Hilliard, a Confederate pensioner, of Watauga County, made application for a Confederate pension before the Pension Board of Watauga County for the year one thousand nine hundred and seven, and said application was favorably passed on by said pension board, and said application, through an inadvertence of the clerk of said board, was not transmitted to the auditor, and said mistake was not discovered until the next year, when same application, under a change of date, was forwarded and paid for one thousand nine hundred and eight:

Resolved by the House of Representatives, the Senate concurring:

Payment
authorized.

That the auditor is hereby directed to issue his warrant to the treasurer in favor of said Bartlett Y. Hilliard for twenty-five dollars, and the treasurer is hereby instructed to pay the same out of any unexpended moneys belonging to the pension fund.

Ratified this 6th day of March, A. D. 1909.

JOINT RESOLUTION AUTHORIZING THE BOARD OF DI-
RECTORS OF THE NORTH CAROLINA SOLDIERS' HOME
TO PURCHASE SUITS OR UNIFORMS OF CONFEDERATE
GRAY FOR THE OLD SOLDIERS AT THE SOLDIERS'
HOME.

Resolved by the Senate, the House of Representatives concurring:

Purchase of uni-
forms authorized.

SECTION 1. That the Board of Directors of the North Carolina Soldiers' Home be and they are hereby authorized and directed to purchase one suit or uniform of Confederate gray each year, if necessary, for the use and wear of each old soldier at said home, and when any old soldier shall leave said home or shall die he may take said suit or uniform with him or may be buried in said suit or uniform.

Use of uniform.

Appropriation.

SEC. 2. That the sum of one thousand dollars, annually, or so much thereof as may be necessary, is hereby appropriated for said purpose out of any funds in the treasury not otherwise appropriated.

SEC. 3. This resolution shall be in force and effect from and after its ratification.

Ratified this the 6th day of February, A. D. 1909.

JOINT RESOLUTION RELATIVE TO ESTABLISHING A COAL-
ING STATION AT SOUTHPORT, NORTH CAROLINA.

Whereas it has been made manifest by figures and facts pre- Preamble.
 sented to this body that a great saving in cost, in insurance, in
 time, in distance, on a great portion of the nation's commerce and
 on the cost of the direct coal supply and provisions for the United
 States Navy and War Departments by the establishment of a United
 States coaling station at Southport, North Carolina, and by utiliz-
 ing the Cape Fear River for over twenty miles to Wilmington; that
 a great inland safety harbor can be established at small cost that
 will be closer to the center of population, and to serve the great coal
 fields of the South, the commerce of the Northwest, the West and
 Middle Southwest; and whereas Southport is the closest harbor Preamble.
 with a great river that can be cheaply made available for ocean
 steamers drawing thirty feet of water to run twenty miles back
 from the ocean and be closer to the Tennessee coal fields than any
 other such harbor to any other American coal fields on the North
 American continent, by nearly a hundred miles, that can be made
 available for so small an amount of money, and which will be the
 closest tidewater that can float the American navy by nearly a hun-
 dred miles, to the great bread, meat and grain producing States
 than any other harbor on the coast of the United States that can be
 equipped with so small an amount of money; and whereas South- Preamble.
 port is south of Cape Hatteras, the most dangerous portion of the
 United States to commerce, to life and to vessels sailing from the
 English and eastern ports for Southern and Pacific ports; and Preamble.
 whereas all commerce going and coming from the great Northwest,
 West and Middle Southwest to the Gulf of Mexico, to South
 America and to Panama Canal and Pacific commerce and China and
 Japan; and whereas all navy ship supplies taken on at Southport, Preamble.
 North Carolina, will be from six hundred to one thousand miles
 nearer all South African, all the West Indian, all the Gulf, all the
 South American, all the Pacific and foreign ports of China and
 Japan reached by the Panama Canal, and save over two and a half
 millions of dollars a year on coal alone consumed by the United
 States Navy; and whereas the great wreckage and loss of life and Preamble.
 vessels and the heaviest additional insurance, except that of passing
 Cape Hatteras, on American commerce, between the Gulf, South
 American and Pacific commerce, is in passing the Bahama Banks,
 the Straits of Florida to enter the Gulf and through the West
 Indian islands to enter the Caribbean Sea to reach the Panama Preamble.
 Canal; and whereas it has been made manifest and demonstrated
 by Government statistics and facts, and shown by accurate maps
 that nearly all of these dangers, risks and extra insurances
 and nearly a thousand miles in distance can be saved for Gulf,
 Caribbean Sea and Panama and Pacific commerce by cutting a sea- Preamble.
 level canal through Florida; and whereas the saving in time, rate
 and insurance that can be made, utilizing Southport and the

Preamble. Florida Canal for Gulf, Caribbean Sea, Panama and Pacific coast commerce, back and forth from the center of American population, and the Northwest, West and Middle Southwest, will in less than five years far exceed the amount of money needful to secure thirty-five feet depth of water at Southport, North Carolina, for a United States Navy coaling station, and thirty feet depth of water for over twenty miles inland to the city of Wilmington, and twenty-five feet depth of water through Florida, all of which can be accomplished within five years from the beginning of actual work by an expenditure of one million a year for Southport and five millions a year for the Florida canal; and whereas the difference in time made between the movement of freight by water and by rail is that by rail the average time on nonperishable commerce is three miles an hour, while the average time by steamship is twelve miles an hour and by sail ship eight miles an hour; and whereas, in one thousand nine hundred and eight, the United States Navy used eight hundred and thirty-six thousand three hundred and eighty-nine tons of coal, at a cost of six dollars and eighteen cents a ton, practically all delivered north of Cape Hatteras; and whereas all this coal can be delivered to the navy by the establishment of a United States Navy coaling station at Southport, south of Cape Hatteras, at a saving of two dollars and fifty cents a ton, and consequently a proportionate saving in rate on the other supplies for the soldiers that man the navy and for the ships handling Gulf, South American, Panama and Pacific commerce; and whereas the freight rates per ton per mile by water on canal, river, lakes and Gulf commerce is four-fifths of one mill per ton per mile, while by rail it is twelve mills per ton per mile, moving only three miles an hour by rail, against eight and twelve miles an hour for four-fifths of a mill per ton per mile by water; and whereas, in time saved, insurance saved, in freight saved, in distance saved, by land and water, by using Southport and the Florida Canal for the commerce from the West, the center of American population, and the great Tennessee coal fields, for the Gulf, the Caribbean Sea, West India, Panama, South American and Pacific trade, it can be shown that the annual saving will be over ten million dollars per annum, and that the saving for two and a half years will equal the cost of the sea-level canal, with twenty-five feet depth of water, from the Atlantic through Florida to the Gulf, and establish the coaling station and harbor at Southport, and will save by the Florida canal over two hundred million dollars' worth of the richest land on earth, and will develop a country on both sides of the canal for over two hundred and fifty miles that will surpass in fertility and beauty the Valley of the Nile, and the health of which cannot be surpassed in the world; and whereas, when the canal which is now being constructed from Chicago to the Mississippi River is opened and the Panama Canal is opened, there is no inland water way on earth that will offer a greater saving, in time, in insurance rates and in freight rates, in loss of life and

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

ships by wreckage, than the Florida canal, opened in connection with Southport harbor and all Atlantic ports south of Cape Hatteras; and whereas all of the United States Government tidewater coaling stations are now reached by long railroad hauls from the coal fields, at a very high rate, and are practically all north of Cape Hatteras; and whereas seventy-five per cent of all the tidewater expenditures by the nation on the Atlantic coast since the nation's existence has been north of Cape Hatteras: Preamble.

Therefore, these facts, taken with the fact that the South in the past three decades has grown faster in the development of its agricultural, mineral, timber, water powers, manufacturing wealth and the establishment of pleasure resorts for summer and winter than any other territory of the same size in the world; and whereas the great grain fields and cities of the West and the whole South have for years desired the establishment of a great Southern port of entry on the South Atlantic coast which could be reached by the shortest possible railroad lines from the Western grain fields and the center of American population to tidewater; and whereas the South and West are year by year coming more and more to realize that their mutual interest can best be served by joint co-operation in securing through Congress these needful and merited public improvements that they are jointly entitled to; and whereas practically all the long-line haul of the great trunk-line systems of railroads south of the Ohio and east of the Mississippi River is north and south; and whereas, because of this reason, they are not interested in a great direct East and West trunk line and the establishment of a great seaport in the middle of the long haul; and whereas the changing of the Isthmian Canal to Panama added an additional two-thousand-mile longer route to the commerce of the Ohio and Mississippi valleys and the Gulf States and the South Atlantic States to reach the Pacific coast, throwing the route for the Panama Canal commerce through the dangerous West Indian passes instead of *via* the Gulf for eastern commerce, unless the Florida Canal is constructed; and whereas the rate of insurance per ton for risk of passing and repassing of Cape Hatteras for the past three decades has been an aggregate of and the number of lives lost for the same period has been, and the value of commerce lost has been \$....., and the number of ships has been, and their total value, as near as can be estimated, has been \$.....; and whereas certain States in the South, by public State aid and public county aid, and under the executive control of the State of North Carolina and in the States of Tennessee and South Carolina are co-operating with each other to secure an independent east and west line of railroad, with connection from the great West through the center of American population, the Tennessee coal fields, through to tidewater on the North Carolina coast; and whereas the States of Minnesota, Nebraska, Kansas, Iowa, Wisconsin, Michigan, Ohio, Indiana, Illinois, Kentucky, Missouri, Arkansas, Oklahoma, Preamble.

Preamble. Texas, Louisiana, Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia and Florida, who paid out of the total internal revenues for one thousand nine hundred and seven (a normal year) one hundred and seventy-nine million seven hundred and eighteen thousand and twenty-two and sixty-seven cents (\$179,718,022.67), against the total internal revenue receipts to the Government of two hundred and sixty-nine million six hundred and sixty-four thousand and twenty-two and eighty-five cents (\$269,664,022.85); and whereas every one of these States will be both directly and indirectly benefited by the opening of the Southport harbor and the construction of the Florida Canal; and whereas these internal revenue taxes paid by these States is a more direct tax on the people of these States and on their effort to employ labor and manufacture the products of their own resources than any tariff or duty collected at the custom house; and whereas these improvements for better transportation facilities, both by water and by land, will largely increase the manufacturing and general development that produces internal revenue in these States; and whereas less than three per cent per annum, for five and a half years, of the amount these States pay for the support of the National Government will make these needful improvements, which is but a righteous and just compensation for their paying seventy-five per cent of the entire internal revenue, which is a direct tax on the people of these States for the support of the nation, and not one of them but would increase by fourfold the three per cent expended from their own annual income for the support of the nation by making these improvements for the benefit of the whole nation; and whereas, by the unanimous and hearty co-operation of all of these States, by resolution and petition to Congress, they can secure congressional aid for these improvements that will break up the monopoly of the South and Western commerce, wherein it is compelled to pay for the long hauls and to carry the dangers of Cape Hatteras, the danger of the Bahamas, the West Indies, of the Florida Straits, and, with the nation, carry their portion of the burden of extra tax to pay six dollars and eighteen cents a ton on nearly a million tons of coal per annum for the supply of our great navy, when these public improvements will cause this coal to be delivered at three dollars and sixty-eight cents a ton, if not at two dollars and fifty cents a ton, with Government co-operation; and a like saving on food supplies for the navy, which means the same saving for coal for all ships plying in Gulf and Pacific ports, doing commerce with our eastern seaboard, and western Europe reached by way of the Panama Canal: therefore, be it

Preamble.

Resolved by the House of Representatives, the Senate concurring:

Attention of
congress called
to facts.
Co-operation
requested.

That we most respectfully call the attention of the Honorable Senators and members of the United States Congress to these facts, and respectfully request their co-operation with the honorable Sena-

tors and members from this State to secure the needful appropriation per annum, to be distributed over a period of not exceeding five years, to secure these greatly needed improvements, a deep-water harbor and United States navy coaling station at Southport, North Carolina, and the opening of the Florida Canal from the mouth of the St. Johns River *via* Jacksonville, Florida, which will consist chiefly in dredging out deeper the St. Johns to its fountainhead, with a short cut across to the Kissimmee River and the great Lake Okeechobee, and the dredging out of the Caloosahatchee River from there to the Gulf of Mexico, which, combined with the harbor at Southport, will enable commerce from the Northwest, West, the great Middle Southwest and the center of American population, and from the Tennessee coal fields, to escape all the dangers of Cape Hatteras, the Bahama Banks, the Florida Straits and the West India Islands, to serve the commerce of the Gulf, of the Panama Canal and the Pacific coast, in the interest of the nation at large. Objects sought.

Ratified this the 8th day of March, A. D. 1909. Value of work.

RESOLUTION CONCERNING CERTAIN EMPLOYEES OF THE GENERAL ASSEMBLY.

Whereas the laborers employed in the House of Representatives and in the Senate have served faithfully and acceptably; and whereas they have been engaged in the discharge of their duties both night and day: therefore, be it Preamble.

Resolved by the House of Representatives, the Senate concurring:

First. That the pay of said laborers of the House of Representatives and of the Senate be and the same is hereby increased fifty cents per day; that this resolution shall apply to the Sergeant-at-Arms and Assistant Sergeant-at-Arms of the Senate and the Doorkeeper and Assistant Doorkeeper of the House. Allowance.

Second. This resolution to be in effect from and after its ratification. Application.

Ratified this the 8th day of March, A. D. 1909.

A RESOLUTION IN THE INTEREST OF CERTAIN CLERKS OF THE GENERAL ASSEMBLY.

Whereas the Engrossing Clerk of the House and his assistants and the Engrossing Clerk of the Senate and his assistants and the Chief Clerk of the Enrolling Department and his assistants have been true and faithful clerks of the General Assembly and have Preamble.

discharged arduous duties encumbered upon them, in a faithful and efficient manner; and whereas during the latter part of the session the work of the Legislature has increased to such an extent that they have been required to work day and night in order to keep up with their work: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Allowance to
engrossing and
enrolling clerks
and assistants.

SECTION 1. That the Engrossing Clerk of the House and his assistants and the Engrossing Clerk of the Senate and his assistants and the Chief Clerk of the Enrolling Department and his assistants be and they are hereby allowed fifty cents per day extra pay, in addition to the pay now allowed them.

Vouchers.

SEC. 2. That the Principal Clerks of the House and Senate are hereby authorized to issue their vouchers for said clerks and assistants, and the Secretary of State for the Enrolling Department, and the Auditor of the State shall issue his warrants for the same, which shall be paid by the State Treasurer.

SEC. 3. This resolution shall be in full force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

RESOLUTION CONCERNING CLERKS TO THE COMMITTEES.

Resolved by the House of Representatives, the Senate concurring:

Allowance to
clerks of com-
mittees.

SECTION 1. All clerks to the committees of both houses shall receive, in addition to their actual per diem, their actual railroad fare or mileage.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

A RESOLUTION TO PAY THE COSTS INCURRED BY THE SPECIAL COMMITTEE APPOINTED TO CONSIDER THE REPORT OF THE AUDITING COMMITTEE OF THE LAST GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

That the sum of one hundred and nine and eighty-five one-hundredths dollars is hereby appropriated to pay the expenses incurred by the special committee to which was referred the report of the Auditing Committee of the last General Assembly; and the

auditor is hereby authorized to issue his warrant on the treasury, payable to the persons and for the amounts named below, which aggregate the sum appropriated herein.

Amounts and to whom payable, as follows :

Miss A. V. Morel.....	\$40.00	Itemized state- ment.
Miss Annie L. Angel.....	5.00	
Miss Francis Goode.....	12.00	
Roscoe W. Turner.....	22.45	
T. W. Blount.....	15.40	
W. T. Smith.....	15.00	

Resolved, That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

JOINT RESOLUTION FOR THE RELIEF OF CAPT. W. S. LINEBERRY.

Whereas Capt. W. S. Lineberry, one of the employees of the Preamble.
House, during the absence of the Doorkeeper and Assistant Door-
keeper, acted as Assistant Doorkeeper for ten days; and whereas Preamble.
the pay of the said Lineberry was only two dollars and fifty cents
per day and the pay of the Doorkeeper and Assistant Doorkeeper
is four dollars (\$4) per day: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the said Capt. W. S. Lineberry be allowed the Allowance.
additional sum of one dollar and fifty cents per day for ten days'
service while he acted in the capacity of Assistant Doorkeeper,
making the total amount he receives fifteen dollars, in addition to
what he may be allowed as employee of the House.

SEC. 2. This resolution shall take effect from and after its ratifi-
cation.

Ratified this the 8th day of March, A. D. 1909.

JOINT RESOLUTION PROVIDING CONTINGENT APPROPRIA- TION FOR MAINTENANCE OF THE CENTRAL HOSPITAL AT RALEIGH.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That a sufficient sum is hereby appropriated from any Appropriation.
moneys in the State Treasury not otherwise appropriated to meet
all expenses of maintenance at the Central Hospital at Raleigh,

made necessary by the reception of epileptic patients in said institution: *Provided*, that all sums drawn under this appropriation shall be first approved by the Council of State: *Provided further*, that not more than one hundred and seventy dollars *per capita* per year for the inmates so received shall be appropriated.

Sec. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

A RESOLUTION TO PAY THE EXPENSES OF D. M. STRINGFIELD, CONTESTANT FOR A SEAT IN THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring:

Appropriation. SECTION 1. That the auditor be and he is hereby directed to draw his warrant on the State Treasurer for the sum of one hundred and twenty-three dollars and fourteen cents (\$123.14) in favor of D. M. Stringfield, to pay the expenses of said Stringfield in contesting the seat of Charles T. Williams in the House of Representatives from the county of Dare, and that said sum be and it is hereby appropriated for said purpose.

Items. Expense account\$ 73.14
 Attorney's fees allowed..... 50.00
 \$123.14

Sec. 2. That this resolution shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

RESOLUTION IN FAVOR OF W. P. BURRUS.

Resolved by the House of Representatives, the Senate concurring:

Claim referred. That the claim of W. P. Burrus for labor performed for the Oyster Commission be and the same is hereby referred to Y. T. Ormond, J. R. Gordon and R. A. Doughton, with like power as contained in the resolution heretofore passed relating to the claim of the Oyster Commission against the State.

Ratified this the 8th day of March, A. D. 1909.

JOINT RESOLUTION TO PURCHASE SETS OF PELL'S RE-
VISAL OF 1908 FOR USE OF COURTS, STATE OFFICERS
AND GENERAL ASSEMBLY.

Whereas the statutes of the State have recently been codified, Preamble.
annotated and published in volumes entitled "Pell's Revisal of
1908"; and whereas it is greatly to the interest of the State Govern- Preamble.
ment and to the public that our courts, executive officers and the
General Assembly have in their possession for reference and guid-
ance copies of this work: therefore, be it

Resolved by the Senate, the House of Representatives concurring:

First. That the Secretary of State be and he is hereby author- Purchase for
ized to purchase ninety-eight sets of said Pell's Revisal of one thou- counties.
sand nine hundred and eight, at the best price obtainable, having
reference to the number of volumes purchased, and to forward one
set to the clerk of the Superior Court of each county, to be placed
by him with the State Supreme Court Reports in the court room of
the courthouse for the exclusive use of the judges who may hold
the courts of such county; that upon the binding of each book the
Secretary of State shall cause to be printed the words "This book
is the property of the State of North Carolina. Do not remove from
the court room."

Second. That said Secretary of State shall also be authorized to Purchase for
purchase for the use of subsequent sessions of this General general assembly.
Assembly twenty sets of said Pell's Revisal, to be placed in the
libraries of the two houses of the General Assembly, as called for
by resolution of such body, and that he also be authorized to buy Purchase for state
twenty-five sets of said Revisal to be distributed among the various departments.
offices of the State Government upon requisition of the chief officer
thereof; that upon the binding of these books he cause to be printed
the words "This book is the property of the State of North Caro-
lina."

Third. That the State Treasurer shall pay for the books herein Payment.
authorized to be purchased, out of the moneys not otherwise appro-
priated, upon warrant drawn by the auditor.

Ratified this the 9th day of March, A. D. 1909.

JOINT RESOLUTION RELATIVE TO MAKING THE STATE
CAPITOL A SAFE PLACE TO WORK.

That whereas there has been complaint for some years that the Preamble.
State Capitol of North Carolina is not a hygienic and sanitary
building nor a fit and safe place to work, on account of the defective

and insufficient ventilation of said building; and whereas the illness and death of certain members of the General Assembly have been attributed to said condition: now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Committee to investigate conditions.

Action to be taken.

Report.

SECTION 1. That the Governor and the Council of State, together with the secretary of the State Board of Health, be and they are hereby constituted a committee to fully investigate the aforesaid alleged unsanitary condition of the State Capitol and employ an expert to assist them in said investigation, and to take such action as to them shall seem necessary to properly ventilate and to make the State Capitol a safe place to work prior to the convening of the next regular session of the General Assembly; and upon the requisition of the Governor the State Auditor shall draw his warrant upon the State Treasurer for such amount as said committee may find it necessary to expend in said ventilation of the Capitol; and the said committee shall make report of its proceedings to the next session of the General Assembly.

SEC. 2. This resolution shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

RESOLUTION IN REGARD TO THE HIGHER EDUCATION OF THE BLIND.

Be it resolved by the Senate of North Carolina, the House of Representatives concurring:

Preamble.

Preamble.

Preamble.

That whereas the nation has committed itself to the policy of special educational aid to those who, through misfortune, are not able to avail themselves of the ordinary facilities for higher education, by the establishment and maintenance for over forty years of a college for the deaf at Washington, District of Columbia, which is open to all eligible applicants throughout the United States, free of charge; and whereas there are a number of blind persons in the United States who, with similar opportunities for higher education, would become valuable citizens of the country, useful and productive members of society and in some cases leaders in their communities and in the nation at large; and whereas, at present, although it is fully recognized that it is by the brain rather than by the hand that the blind are most sure to succeed, and that to none does a successfully pursued college course promise more than to the blind, yet only a very small number of blind persons, being such as are possessed of exceptional force of character and of independent financial resources, are able to obtain such benefits of higher education: therefore, be it

Resolved, That the Congress of the United States be respectfully requested to establish a national college for the blind, which shall provide for the higher general and musical education of that class, upon the same terms and conditions as now prevail in case of the deaf. Establishment of national college for the blind requested.

Be it further resolved, That a copy of this resolution be sent to each of the Senators and Representatives in Congress from this State and that they be requested to support the same. Copy of resolution to be sent to congressmen.

Ratified this the 9th day of March, A. D. 1909.

JOINT RESOLUTION BY THE SENATE AND HOUSE OF REPRESENTATIVES PETITIONING THE UNITED STATES CONGRESS TO MAKE SURVEY OF SCUPPERNONG RIVER.

Resolved by the House of Representatives, the Senate concurring:

That the United States Congress be memorialized to appropriate the necessary funds and authorize the survey of Scuppernong River, in Washington County, to its head; then extend the survey south to Lake Phelp; thence southerly to the nearest point of Pungo River, with a view to estimating the cost of the construction of a canal for commercial purposes. Memorial to congress. Work desired.

Ratified this the 9th day of March, A. D. 1909.

RESOLUTION CONCERNING FREIGHT RATES.

Whereas it is the sense of the General Assembly of North Carolina that the cities, towns and industries of this State should have the benefit of the same relative freight rates from our ports as the inland cities, towns and industries of the States of Virginia and South Carolina from their respective ports; therefore, be it Preamble.

Resolved by the General Assembly of North Carolina:

SECTION 1. That the Corporation Commission be and it is hereby authorized and directed, without unnecessary delay, to investigate fully all matters pertaining to such freight rates, and to put in force in this State the same relative rates for North Carolina cities, towns and industries from our ports as the cities, towns and industries of the States of Virginia and South Carolina have from their ports, in so far as the same may not be unfair and unjust. The said Corporation Commission is hereby further directed to report to the next General Assembly of North Carolina all the facts and circumstances and evidence relative to or disclosed upon such investigation. Corporation commission to investigate freight rates.

SEC. 2. This resolution shall be in force from and after its ratification. Report to general assembly.

Ratified this the 9th day of March, A. D. 1909.

A RESOLUTION FOR THE RELIEF OF N. G. PHILLIPS.
A LABORER.

Resolved by the Senate of North Carolina, the House of Representatives concurring:

Allowance.

SECTION 1. That N. G. Phillips, a laborer, be allowed the sum of twenty-five and ten one-hundredths dollars for doctor's bills and expenses for coming and going from Raleigh, to be paid out of any fund in the treasury.

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

A RESOLUTION RELATING TO ELECTION OF DIRECTORS
OF SANATORIUMS FOR TREATMENT OF TUBERCULOSIS.

Preamble.

Whereas, it appearing that the terms of I. E. Green, Y. T. Ormond and W. H. Whitehead as directors of the first class of the North Carolina Sanatorium for the Treatment of Tuberculosis, under chapter nine hundred and sixty-four, Laws of one thousand nine hundred and seven, expire with this session of the Legislature:

Resolved by the Senate, the House of Representatives concurring:

Directors named.

That D. B. Smith, Y. T. Ormond and W. H. Whitehead be and they are hereby elected trustees of said North Carolina Sanatorium for the Treatment of Tuberculosis to fill the vacancies caused by the expiration of the terms of the members of the first class mentioned above.

Ratified this the 9th day of March, A. D. 1909.

JOINT RESOLUTION APPOINTING J. A. MITCHENER A
MEMBER OF THE H. L. WYATT MONUMENT ADVISORY
COMMITTEE.

Resolved by the Senate, the House of Representatives concurring:

Addition to committee.

That J. A. Mitchener, of Selma, North Carolina, who inaugurated the movement for the erection of a monument to Henry L. Wyatt, be added to the advisory committee appointed to act in concert with the joint committee of the Senate and House of Representatives having in charge the erection of such monument.

Ratified this the 9th day of March, A. D. 1909.

JOINT RESOLUTION OF THANKS TO CAPITAL CLUB.

Resolved by the Senate, the House of Representatives concurring:

That a vote of thanks be given the Capital Club of Raleigh Thanks given.
for the many courtesies extended to the members of the General
Assembly.

Ratified this the 9th day of March, A. D. 1909.

JOINT RESOLUTION RELATING TO LAND TITLES, ETC.

Whereas the present system of titles to real property is expensive, Preamble.
cumbersome and not adapted to the demands of modern business;
and whereas the system known as the Torrens land-title system has Preamble.
been adopted in a number of States with apparent satisfaction; and Preamble.
whereas there is a demand in North Carolina for the improvement
of our laws regulating titles and methods of converting real prop-
erty into ready assets: therefore,

The House of Representatives do resolve, the Senate concurring:

First. That a commission, consisting of five persons, be appointed Commission of
by the Governor to investigate this subject and report to the be appointed.
General Assembly in session in one thousand nine hundred and Report.
eleven.

Second. That the members of this commission shall serve with- Commission to
out pay. serve without pay.

Ratified this the 9th day of March, A. D. 1909.

RESOLUTION AS TO ADJOURNMENT.

Resolved by the House of Representatives, the Senate concurring: Hour and day of
adjournment.

That the Legislature adjourn *sine die* at two o'clock today.

Ratified this the 9th day of March, A. D. 1909.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, March 30, 1909.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,
Secretary of State.

NOTE.

The General Assembly enacted a law providing for the classification and publication of the acts of the General Assembly into public, public-local and private laws.

This act was delayed in passage and did not become a law until March 3d, at which time more than 600 acts had been sidenoted and classified, as provided in section 5349 of the Revisal of 1905, and delivered to the State Printers, and several hundred pages had been printed, so it was too late to change the arrangement for 1909.

J. BRYAN GRIMES,
Secretary of State.

March 30, 1909.

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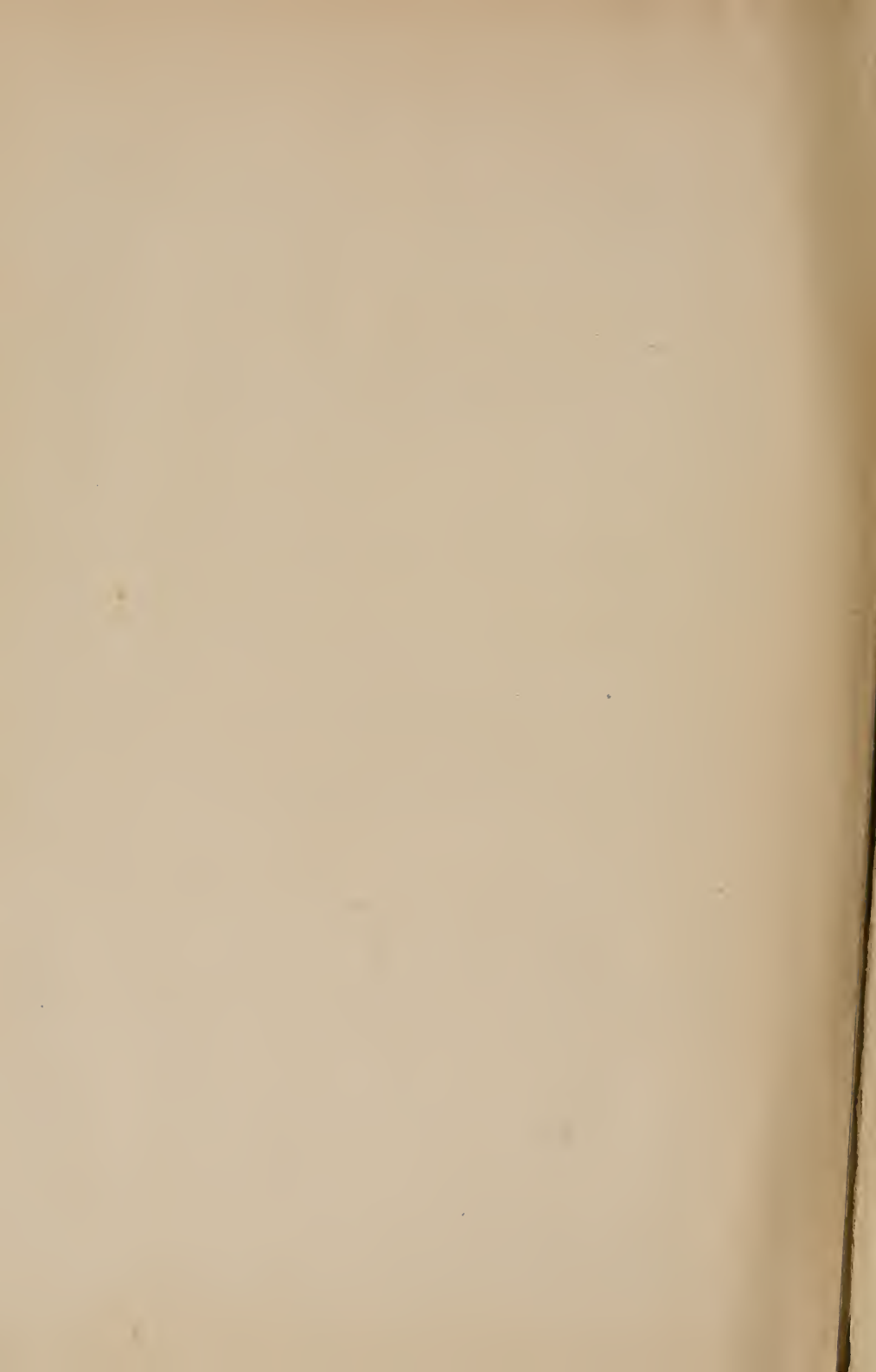
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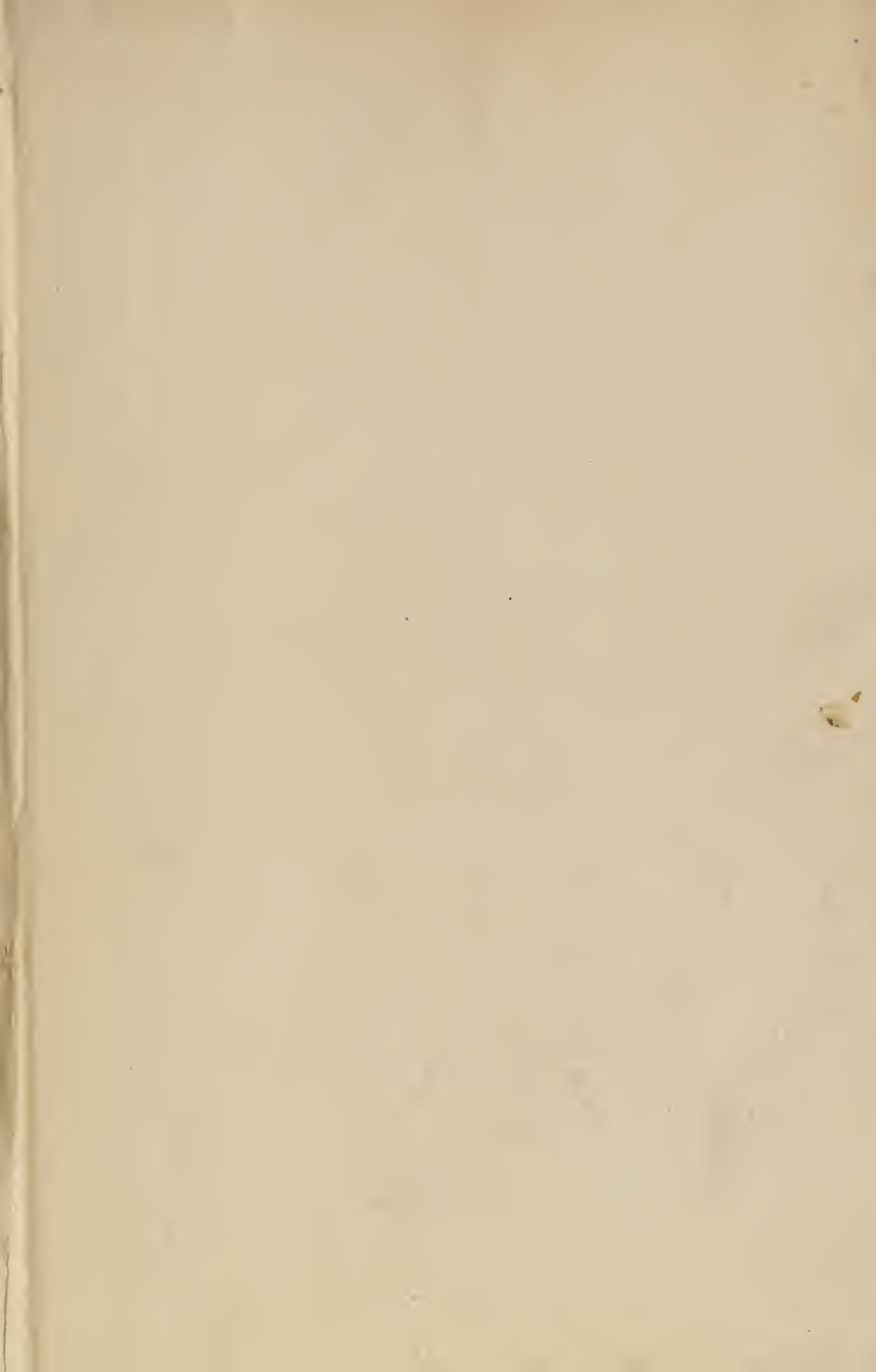
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