

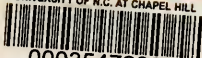




C345.2
1883

v. 2


UNIVERSITY OF N.C. AT CHAPEL HILL



00035472032

FOR USE ONLY IN
THE NORTH CAROLINA COLLECTION





Digitized by the Internet Archive
in 2011 with funding from
Ensuring Democracy through Digital Access (NC-LSTA)

THE CODE
OF
NORTH CAROLINA,

ENACTED MARCH 2, 1883.

PREPARED UNDER CHAPTERS 145 AND 315 OF THE
LAWS OF 1881, AND UNDER CHAPTER 191
OF THE LAWS OF 1883.

BY

WILLIAM T. DORTCH, JOHN MANNING,
JOHN S. HENDERSON.

IN TWO VOLUMES.

VOL. II.

NEW YORK:
BANKS & BROTHERS, LAW PUBLISHERS.
144 NASSAU STREET.
473 AND 475 BROADWAY, ALBANY.
1883.

Copyright, 1883, by WILLIAM L. SAUNDERS, Secretary of State, for the
benefit of the State of North Carolina.

C345.2
1883
V.2

COMPOSITION AND STEREOTYPING BY
C. G. BURGOYNE,
67, 69 AND 61 PARK STREET, NEW YORK.

EDWARD O. JENKINS,
Printer,
20 North William St.

CONTENTS OF VOLUME I.

THE CODE—

§§ 1 TO 2183, BOTH INCLUSIVE.

CHAPTERS.

1. Adoption of Minor Children.
2. Aliens.
3. Apprentices.
4. Attorneys at Law.
5. Bastardy.
6. Bills, Bonds and Promissory Notes.
7. Burning Woods.
8. Burnt and Lost Records.
9. Clerks of Superior Courts.
10. Code of Civil Procedure.
11. Commissioners of Affidavits.
12. Common Law.
13. Constables.
14. Contempt.
15. Coroner.
16. Corporations.
17. Counties, County Commissioners, County Government.
18. County Revenue and Charges and Costs in Criminal Actions.
19. County Treasurer.
20. Court Houses, Prisons and Work Houses.
21. Courts, Inferior.
22. Courts of Justices of the Peace.
23. Courts, Superior.
24. Court, Supreme.
25. Crimes and Punishments.
26. Criminal Proceedings.
27. Deeds and Conveyances.
28. Descents.
29. Divorce and Alimony.
30. Draining and Damming Lowlands.
31. Estates.
32. Evidence.
33. Executors and Administrators.
34. Frauds and Fraudulent Conveyances.
35. Guardian and Ward.
36. Habeas Corpus.
37. Idiots, Lunatics and Inebriates.

- 38. Internal Improvements.
- 39. Jurors.
- 40. Landlord and Tenant.
- 41. Liens.
- 42. Marriage and Marriage Settlements, and the Contracts of Married Women.
- 43. Mills.
- 44. Money Remaining in Hands of Clerks and others.
- 45. Offices.
- 46. Official Bonds.
- 47. Partition.
- 48. Processioning.
- 49. Rail Road and Telegraph Companies.
- 50. Roads, Ferries and Bridges.
- 51. Sheriffs.
- 52. Surety and Principal.
- 53. Widows.
- 54. Wills and Testaments.

CONTENTS OF VOLUME II.,

§§ 2184 ET SEQ.

CHAPTERS.

- 1. Agriculture and Geology.
- 2. Asylums.
- 3. Auctioneers.
- 4. Banks.
- 5. Boats and Canoes.
- 6. Boundaries of State.
- 7. Building and Loan Associations.
- 8. Capitol, Buildings and Grounds.
- 9. Cattle and other Live Stock.
- 10. Charities, Public and Private.
- 11. Cherokee Lands.
- 12. Cruelty to Animals.
- 13. Currency.
- 14. Dogs.
- 15. Education.
- 16. Elections Regulated.
- 17. Entries and Grants.
- 18. Express Companies.
- 19. Fairs.
- 20. Fences and Stock Law.
- 21. Game, Hunting, Wild Fowl.
- 22. Gaming Contracts.
- 23. General Assembly.
- 24. Health and Quarantine.
- 25. Impeachment.

26. Infamous persons.
27. Insolvent Debtors.
28. Inspections.
29. Insurance.
30. Light-houses.
31. Limited Partnership.
32. Local Option, Liquors and Wine.
33. Master and Servant.
34. Medical Society, Pharmaceutical Association, Dentistry.
35. Militia and State Guard.
36. Mines.
37. Names.
38. Navigation.
39. Notaries.
40. Oaths.
41. Officers of State.
42. Overseers.
43. Oysters and Other Fish
44. Penitentiary, Prisoners and Convicts.
45. Pensions.
46. Pilots.
47. Poor.
48. Public Arms.
49. Public Debt.
50. Public Documents.
51. Public Libraries.
52. Public Printing.
53. Register of Deeds.
54. Religious Societies.
55. Revenue and Taxation.
56. Rivers and Creeks.
57. Salaries and Fees.
58. Slander of Women.
59. Statutes, Repeal and Construction of.
60. Strays.
61. Sunday and Holidays.
62. Towns and Cities.
63. Tramps and Vagrants.
64. Usury.
65. Weights and Measures.
66. Wrecks.
67. Concerning the Code

APPENDIX.

Constitution of the United States.

Index thereto.

Constitution of North Carolina.

Index thereto.

Acts of Congress Regulating the Authentication of Records.

Acts of Congress Regulating Naturalization.

Acts of Congress Regulating the Removal of Causes.

CHAPTER ONE.

AGRICULTURE AND GEOLOGY.

SECTION.

2184. Department of agriculture, immigration and statistics, and for the encouragement of sheep husbandry; the board; vacancies; quorum.
2185. The board to make quarterly reports, &c., discussions; compensation.
2186. Duties of the commissioner.
2187. Powers of the board.
2188. The board to prescribe forms and furnish blanks.
2189. Duties of the board.
2190. Tax on fertilizers; seizure, &c., of fertilizers offered for sale without license.
2191. Packages to be labeled; copy of label to be filed with commissioner at or before shipment into the state, &c.
2192. Proceedings to condemn fertilizers to be by civil action, &c.; affidavit; clerk to issue order of seizure; duty of sheriff; bond of defendant; judgment.
2193. Any merchant selling any commercial fertilizer without label or stamp attached liable to a fine of ten dollars, to be collected by sheriff; any person offering for sale condemned fertilizers guilty of a misdemeanor.
2194. Power of the department.
2195. Agents of railroad and steamboat companies to furnish monthly statements of the

SECTION.

- quantity of fertilizers transported by them; on failure to do so, guilty of a misdemeanor.
2196. Establishment of an agricultural experiment and fertilizer central station; duties of the chemist.
2197. Analysis of soils, water, food, &c.
2198. State geologist to prepare illustrations of agricultural industries, &c., of the state; to make abstracts of surveys; marls, soils, &c., analyzed by state chemist, free of charge; to deliver lectures free at the University.
2199. Department to prepare illustrative hand-book, containing information of attractions and advantages which the state affords; premiums.
2200. Immigration agents.
2201. Land and mining registry; contract for lands, &c.
2202. Non-residents required to obtain license for taking fish in large quantities; penalty for violating this section.
2203. Penalty for bringing into the state commercial fertilizers in violation of this chapter.
2204. Dealers in fertilizers authorized to sell surplus on hand not exceeding ten tons.
2205. Manufacturers liable to no

SECTION.	SECTION.
other tax than five hundred dollars.	2217. Shall provide a place for holding annual fairs.
2206. Five hundred dollars appropriated to the North Carolina Industrial Association.	2218. State treasurer to appropriate conditionally fifteen hundred dollars yearly.
2207. Department to receive from manufacturers specimens of fertilizers; the same to be distributed throughout the state; reports of experiments to be registered in office of department.	2219. Money, how appropriated.
2208. Moneys to be paid into state treasury.	2220. County societies, how formed; what amount of property they may hold.
2209. State geologist, how appointed.	2221. How organized; to continue during the will of the legislature.
2210. Compensation of geologist fixed by department of agriculture.	2222. When organized, it shall be certified, and certificate filed in clerk's office; one society only in a county.
2211. Expenditures, how defrayed.	2223. Funds of society to be appropriated in premiums, &c.
2212. Duty of the surveyor.	2224. Shall transmit to state treasurer annual statement of money received from state; members; expenditures.
2213. Surveyor to deliver lectures.	2225. Shall annually publish statements of their experiments, reports, &c.
2214. North Carolina Agricultural Society and county societies incorporated; amount of property which may be held.	2226. Secretary to keep a record of the proceedings.
2215. Shall elect president and other officers.	
2216. Society may alter or modify by-laws.	

Sec. 2184. Department of agriculture, immigration and statistics, and for the encouragement of sheep husbandry; the board; vacancies; quorum. 1876-'7, c. 274, s. 1. 1883, c. 291, s. 1.

A department of agriculture, immigration and statistics is hereby created and established, which shall be under the control and supervision of a board, which shall be constituted as follows, to wit: The governor, who shall be *ex officio* chairman; the master of the state grange patrons of husbandry, the president of the state agricultural society, and the president of the agricultural college of the state, and one member elected by the general assembly from each congressional district, who for the three preceding years has been a citizen of the state, the members from the first, fourth and eighth districts for a term of two years and their successors for terms of six years; the members from the second, fifth and seventh districts for a term of four years and their successors for

terms of six years; and the members from the third, sixth and ninth districts for terms of six years; who shall be so chosen as to secure as nearly as may be a representation of all the leading industries of the state. All vacancies that may occur in the board shall be supplied by the board till the next regular session of the general assembly. Five members of the board shall be a quorum for the transaction of business.

Sec. 2185. The board to make quarterly reports, &c.; discussions; compensation. 1883, c. 291, s. 2.

The board shall meet for the transaction of business in the city of Raleigh four times a year and oftener if they deem it necessary, one of which meetings shall be on the first Wednesday in December, and shall publish a quarterly report of the operations of the department, and shall make to each general assembly a full report of its general action and conduct, together with an itemized account of all the receipts and disbursements of the department. They may set apart such portions of their regular sessions as they may deem expedient for the discussion of topics appertaining to the material interests of the state, to which discussion all citizens may be invited. They shall receive no compensation except four dollars per day to each member of the board for the days not exceeding twelve in one year, during which he attends the sessions of the board; and also for each meeting of the board he attends, ten cents a mile for the distance from his home to Raleigh by the usual direct route.

Sec. 2186. Duties of the commissioner. 1876-'7, c. 274, s. 3.

The board shall appoint and prescribe the duties and regulate the pay of the commissioner of agriculture, who shall be an agriculturist. And they shall also, whenever they deem it necessary, have power to employ a secretary and prescribe his duties.

Sec. 2187. Powers of the board. 1876-'7, c. 274, s. 4.

The board shall be empowered to hold in trust, and exercise control over, donations or bequests made to them for promoting the interests or purposes of this chapter.

Sec. 2188. The board to prescribe forms and furnish blanks. 1876-'7, c. 274, s. 5.

They may prescribe forms for, and regulate the returns

of, such county agricultural societies as may be chartered by the state, and furnish such blanks as may be necessary to secure uniform and reliable statistics of their operations.

Sec. 2189. Duties of the board. 1876-'77, c. 274, s. 7.

The board shall investigate such subjects relating to the improvement of agriculture, and for the inducement of immigration and capital, as they may think proper; but they are especially charged,

(1.) With such investigations as may seem best adapted to promote the improvement and extension of sheep husbandry, and shall collect and publish, from time to time, all available statistics on the subject, and shall suggest to the general assembly such measures as may be useful for the encouragement of this industry, and more particularly for the suppression of the ravages of dogs.

(2.) With investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute, from time to time, circulars of information relative to any contagious diseases of stock, and shall have power in such cases to quarantine infected animals, and to regulate the transportation of stock in this state, or from one section of it to another; and any person wilfully violating such regulations shall be guilty of a misdemeanor.

(3.) With investigations relating to the ravages of insects, and with the dissemination of such information as may be deemed essential for their abatement.

(4.) With investigations and experiments directed to the introduction and fostering of new agricultural industries, adapted to the various climates and soils of the state, especially the culture of silk, the sugar beet, the grape and other fruits.

(5.) With the investigation of the subject of drainage and irrigation, and shall publish circulars of information as to the best methods and formula of both, and what surfaces, soils and localities may be most benefited by such improvements, also, with the collection and publication of information in regard to localities, character, accessibility, cost, and modes of utilization of native mineral and other domestic sources of fertilizers, including formula for composting adapted to different crops, soils and materials

(6) With the collecting of statistics relating to the

subject of fences, with suggestions for diminishing their costs, and the conditions under which they may be dispensed with altogether.

(7) With the supervision of all measures for the protection, propagation and culture of fish in the rivers and other inland waters of this state, and to this end they shall at once provide for stocking all available waters of the state with the most approved breeds of fishes, and shall avail themselves of such aid as the fish commissioners of the United States may be induced to extend, and they shall inquire into and report upon the practicability of constructing fish-ways over dams and other obstructions of the waters of the state, and secure as far as practicable the co-operation of mill owners. They shall select proper locations for the hatching and care of the young fish, and shall provide the necessary hatching houses and such appliances as may be needed, and employ such labor as may be necessary to this end, and they may appoint agents at such convenient points to aid them in the distribution, hatching and protection of the ova and young fish, provided such agents shall receive no compensation.

(8) They shall transmit to the general assembly at each session a report of the operations of the said department, together with suggestions of such legislation as may be needful, and it shall be the duty of the board to prosecute all offenders against the laws which have been or may be passed in this behalf, and they shall endeavor to secure the co-operation of adjoining states to remove obstructions to the passage of fish in those rivers or streams which are partly in this state and partly in such adjoining states.

(9) With the enforcement and supervision of the laws and regulations which are or may be enacted in this state for the sale of commercial fertilizers and seeds.

Sec. 2190. Tax on fertilizers; seizure, &c., of fertilizers offered for sale without license. 1876-'7, c. 274, s. 8. 1876-'7, c. 291. 1881, c. 118.

No manipulated guanos, superphosphate or other commercial fertilizer shall be sold, or offered for sale in this state, until the manufacturer or person importing the same shall first obtain a license therefor from the treasurer of the state, for which shall be paid a privilege tax of five hundred dollars per annum, for each separate brand or quality. Any person, corporation or company who shall violate this chapter, or who shall sell or offer for sale any such fertilizer contrary to the provisions

above set forth, shall be guilty of a misdemeanor. And all fertilizers so sold, or offered for sale, shall be subject to seizure and condemnation in the same manner as is provided in this chapter for the seizure and condemnation of spurious fertilizers, subject however to the discretion of the board of agriculture to release the fertilizers so seized and condemned, upon the payment of the license tax, and all costs and expenses incurred by the department in such proceeding.

State v. Norris, 78—443.

Sec. 2191. Packages to be labeled; copy of label to be filed with commissioner at or before shipment into the state, &c. 1876-'7, c. 274, s. 9.

Every bag, barrel or other package of such fertilizer as above designated, offered for sale in this state, shall have thereon plainly printed a label or stamp, a copy of which shall be filed with the commissioner of agriculture at or before the shipment of such fertilizer into this state, and which shall be uniformly used, and shall not be changed during the year for which the license is issued; and the said label or stamp shall truly set forth the name, location and trade-mark of the manufacturer; also the chemical composition of the contents of such package, and the real percentage of any of the following ingredients asserted to be present, to-wit: soluble and precipitated phosphoric acid, soluble potassa, ammonia or its equivalent in nitrogen, together with the date of its analyzation, and that the privilege tax has been paid; and any such fertilizer as shall be ascertained by analysis not to contain the ingredients and percentage set forth as above provided shall be liable to seizure and condemnation as hereinafter prescribed, and when condemned shall be sold by the board of agriculture for the exclusive use and benefit of the department of agriculture.

Sec. 2192. Proceedings to condemn fertilizers to be by civil action, &c.; affidavit; clerk to issue order of seizure; duty of sheriff; bond of defendant; judgment. 1881, c. 118.

The proceedings to condemn the same shall be by civil action in the superior court of the county where the fertilizer is on sale, and in the name of the board of agriculture, who shall not be required to give bond for the prosecution of said action. And at or before the sum-

mons is issued the said board shall by its agent make affidavit before the clerk of said court of these facts:

(1) That a license has been obtained for the sale of a fertilizer of a particular brand.

(2) That samples of the same have been analyzed under authority of the board, and found to correspond with the label attached to the same.

(3) That the defendant in the summons has in his possession, and on sale, fertilizers of the same name and brand, and bearing a label or stamp representing the analysis made.

(4) That the fertilizers on hand and on sale are spurious and do not in fact contain the ingredients, or in the proportion represented by the stamp or label on them. Whereupon the clerk shall issue his order to the sheriff of the county to seize and hold all the fertilizers in the possession of the defendant labeled or stamped as the affidavit described. And the sheriff shall seize and hold the fertilizers so seized until ordered to be surrendered by the judge; unless the defendant shall give bond with justified surety, in double the value of the fertilizers seized, to answer the judgment of the court, in which case he shall surrender the fertilizers to the defendant and file this bond in the office of the clerk of the superior court, and thereafter the action shall be prosecuted according to the course of the court. And if it shall be established in the trial that the fertilizers seized are deficient, or inferior to the analysis represented on the stamp or brand, then the plaintiff in said action shall recover judgment on the defendant's bond for the value of the fertilizers seized.

Sec. 2193. Any merchant selling any commercial fertilizer without label or stamps attached liable to a fine of ten dollars, to be collected by sheriff; any person offering for sale condemned fertilizers guilty of a misdemeanor. 1876'-7, c. 274, s. 9.

Any merchant, trader, manufacturer or agent, who shall sell or offer for sale any commercial fertilizer without having such labels and stamps, as hereinbefore provided, attached thereto, shall be liable to a fine of ten dollars for each separate bag, barrel or package sold or offered for sale, to be sued for before any justice of the peace, and to be collected by the sheriff, by distress or otherwise, one-half, less the cost, to go to the party suing and the remaining half to the department; and if any such fertilizer shall be condemned, as herein provided, it

shall be the duty of the department to have an analysis made of the same, and cause printed tags or labels, expressing the true chemical ingredients of the same, put upon each bag, barrel or package, and shall fix the commercial value thereof at which it may be sold. And any person who shall sell or offer for sale any such fertilizer, in violation of this section, shall be guilty of a misdemeanor.

Sec. 2194. Power of the department. 1876-'7, c. 274, s. 10.

The department of agriculture shall have power and authority, at all times, to have collected samples of any commercial fertilizer, offered for sale in this state, and have the same analyzed, and such samples shall be taken from at least ten per centum of the lot from which they may be selected.

Sec. 2195. Agents of railroad and steamboat companies to furnish monthly statements of the quantity of fertilizers transported by them; on failure to do so, guilty of a misdemeanor. 1876-'7, c. 274, s. 11.

It shall be lawful for the department of agriculture to require the officers, agents or managers of any railroad or steamboat company, transporting fertilizers in this state, to furnish monthly statements of the quantity of fertilizers, with the name of the consignor or consignee, delivered on their respective lines, at any and all points within this state. And said department is hereby empowered to compel said officers, agents or managers to submit their books for examination, if found expedient so to do; and any such agents, officers or managers failing or refusing to comply shall be guilty of a misdemeanor.

Sec. 2196. Establishment of an agricultural experiment and fertilizer central station; duties of the chemist. 1876-'7, c. 174, s. 12. 1879, c. 175. 1881, c. 373, s. 4.

The department of agriculture shall establish an agricultural experiment and fertilizer central station, and shall employ an analyst, skilled in agricultural chemistry. It shall be the duty of said chemist to analyze such fertilizers and products as may be required by the department of agriculture, and to aid as far as practicable in suppressing fraud in the sale of commercial fertilizers. He shall, also, under the direction of said department,

carry on experiments on the nutrition and growth of plants, with a view to ascertain what fertilizers are best suited to the various crops of this state; and whether other crops may not be advantageously grown on its soil, and shall carry on such other investigations as the said department may direct. He shall make regular reports to the said department, of all analyses and experiments made, which shall be furnished, when deemed needful, to such newspapers as will publish the same. His salary shall be paid out of the funds of the department of agriculture

Sec. 2197. Analysis of soils, water, food, &c. 1879, c. 117.

Analysis for purposes connected with the hygienic duties of the superintendent of health shall in like manner be made by the said chemist, upon requisition signed and approved by the secretary of the state board of health. Such analysis shall include soil, drinking water and articles of food; such articles to be packed for transmission by direction of the chemist of the agricultural station.

Sec. 2198. State geologist to prepare illustrations of agricultural industries, &c., of the state; make abstracts of surveys; marls, soils, &c., analyzed by state chemist free of charge; to deliver free lectures at the University. 1876-'7, c. 174, s. 13. 1879, c. 175, ss. 3, 5.

The geological survey is hereby made and constituted a co-operative department with the department of agriculture, and the geological museum, and the collections therein, shall at all times be accessible to the said department. The geologist shall, as far as practicable, prepare illustrations of the agricultural industries, products and resources of the state, and arrange and care for such collections as the said department may make for this purpose. He shall also prepare abstracts of the survey, from time to time, as may be required for the use of the department, in their hand-book and circular for publication, in illustration of the advantages of this state, and in promotion of the general purposes of immigration. In return for such service, the state geologist may have all his marls, soils, minerals, and other products analyzed by the chemist, at the laboratory of the department station, free of charge, and the board of agriculture is hereby authorized to pay the necessary expenses of the geological museum; and they may authorize

and supervise the publication by the public printer of the second volume of the "Geology of North Carolina," as soon as ready, and may furnish the necessary maps and other engravings for its proper illustration; and in like manner they may authorize the printing, by the public printer, in pamphlet form, for free distribution, such parts of volumes one and two as they may deem advisable. And they may furnish copies of volume two to state, college and other public libraries, to geologists and other scientific men, and to every newspaper in the state, and shall furnish the secretary of state a copy for each county, to be forwarded with other public documents to the clerk of the superior court and to other persons at the cost of paper and printing. The state geologist, at the request of the trustees of the University, shall, whenever the board of agriculture shall deem it not interfering with the regular duties of his office, deliver at the University a course of free lectures on the geology and mineralogy of this state.

Sec. 2199. Department to prepare illustrative hand-book, containing information of attractions and advantages which the state affords. Premiums. 1876-'7, c. 174, s. 15. 1883, c. 291, s. 4.

The department shall, as soon as practicable, prepare a convenient hand-book, with the necessary illustrative maps, which shall contain all necessary information as to the mines, minerals, forests, soils, climates, waters and water powers, fisheries, mountains, swamps, industries, and all such statistics as are best adapted to give proper information of the attractions and advantages which this state affords to immigrants, and shall make illustrative exposition thereof whenever practicable at international exhibitions; and shall have authority to offer premiums for the encouragement of agricultural and mechanical pursuits and the raising of improved live stock in this state.

Sec. 2200. Immigration agents. 1876-'7, c. 174, s. 16.

The said department shall be authorized, in the interest of immigration, to employ an agent or agents at such points, in this or any foreign country, as it may deem expedient and desirable.

Sec. 2201. Land and mining registry; contracts for lands, &c. 1876-'7, c. 174, s. 17.

The said department is authorized and directed to es-

establish and keep in its office, in the city of Raleigh, a general land and mining registry, wherein shall be recorded (if the owners shall so request) all the farming, mineral or other lands offered for sale in this state, with a brief and truthful description of the same. And the department shall act as agent for the sale or disposition of such property as may be registered as hereinbefore provided, and shall sell or dispose of such property upon the terms and conditions as stated and fixed by the owner thereof; and the department shall be allowed the sum of one dollar for registration, and two and one-half per cent. commission on gross amount of money paid, for said transaction. The said department shall have authority to contract for, and hold bodies of lands, for the settlement of colonies, with exclusive control of the sale of the same at such prices, and for such a period, as may be agreed upon by the owner thereof.

Sec. 2202. Non-residents required to obtain license for taking fish in large quantities; penalty for violating this section. 1876-'7, c. 174, s. 18.

No person, company or corporation, being non-residents of this state, shall catch fish by seines, nets, or other appliances for taking fish in large quantities, in any waters within the jurisdiction of this state, without first obtaining therefor a license from the state treasurer, for which he or they shall pay a privilege tax of one thousand dollars per annum. And any such person who shall violate this section shall forfeit and pay the sum of two hundred dollars for each day engaged in fishing as aforesaid to be collected by the sheriff of the county wherein such violation may be committed, and shall also be guilty of a misdemeanor. And any citizen of this state who shall form an alliance or copartnership with a non-resident for the purpose or evading this section shall be guilty of a misdemeanor, and the nets, seines or appliances of such person or firm shall be liable to seizure and confiscation for the benefit of the department of agriculture.

Sec. 2203. Penalty for bringing into the state commercial fertilizers in violation of this chapter. 1876-'7, c. 274, s. 20. 1883, c. 291, s. 5.

Any farmer, trader or other person who shall haul or bring into the state any commercial fertilizers in violation or evasion of this chapter, shall be guilty of a misdemeanor, and fined not less than ten dollars, or impris-

oned not more than thirty days for each offence; and any farmer or other person who may buy without the state, any commercial fertilizer on which the privilege tax of five hundred dollars has been paid, shall be required to report all such purchases to the register of deeds of his county, or be subject to the same pains and penalties as herein imposed upon dealers in fertilizers.

Sec. 2204. Dealers in fertilizers authorized to sell surplus on hand not exceeding ten tons. 1883, c. 291, s. 7.

Any dealer in fertilizers who may have on hand a quantity not exceeding ten tons when the license for the year expires, shall not be prevented from selling the same without further taxes.

Sec. 2205. Manufacturers liable to no other tax than five hundred dollars. 1883, c. 291, s. 8.

Whenever any manufacturer of fertilizers shall have paid the license tax of five hundred dollars, his goods shall not be liable to any further tax, whether by city, town or county.

Sec. 2206. Five hundred dollars appropriated to the North Carolina Industrial Association. 1883, c. 291, s. 9.

The board of agriculture is authorized and directed to set apart and appropriate annually, of the money received from the tax on fertilizers, the sum of five hundred dollars for the benefit of the North Carolina Industrial Association, to be expended under the direction of the board of agriculture.

Sec. 2207. Department to receive from manufacturers specimens of fertilizers; the same to be distributed throughout the state; reports of experiments to be registered in office of department. 1876-'7, c. 174, s. 21.

It is the duty of the said department of agriculture to receive from any manufacturer or dealer in fertilizers any specimen quantities not less than a fourth of a ton, contributed by such party, and have the same sent to different sections of the state for actual experiment by practical farmers; and the person so experimenting shall be required to make a careful report of the results, which shall be registered in the office of said department, and a certified copy of the same shall be transmitted to the contributor.

Sec. 2208. Moneys to be paid into the state treasury. 1876-'7, c. 174, s. 22.

All moneys arising from the tax on licenses, from fines and forfeitures, fees for registration and sale of lands not herein otherwise provided for, shall be paid into the state treasury and shall be kept on a separate account by the treasurer as a fund for the exclusive use and benefit of the department of agriculture.

Sec. 2209. State geologist, how appointed; removal. 1879, c. 50, s. 2.

The governor shall appoint, by and with the consent of the senate, a suitable person to conduct, under the supervision of the department of agriculture, immigration and statistics, a geological, mineralogical, botanical and agricultural survey of the state; such officer shall hold office for two years: *Provided*, that the person so appointed shall be liable to removal at any time by the governor, by and with the consent of the board of agriculture, immigration and statistics.

Sec. 2210. Compensation of geologist fixed by department of agriculture. 1879, c. 50, s. 3.

The compensation of the person so appointed shall be fixed by the said department of agriculture, immigration and statistics, but shall never exceed a greater rate than two thousand dollars per annum.

Sec. 2211. Expenditures, how defrayed. 1879, c. 50, s. 4.

The expenditures incurred in making said surveys and reports shall be defrayed from the funds provided for the support and maintenance of the said department of agriculture, immigration and statistics: *Provided*, that the sum hereby authorized to be used, including the salary or compensation of the person appointed to make said surveys, shall not exceed the sum of five thousand dollars per annum.

Sec. 2212. Duty of the surveyor. R. C., c. 2, s. 14.

The person appointed shall examine and survey each and every county of the state and ascertain the different geological formations of each county and section of the state; the nature, character, and value of its minerals; the nature and character of its soils, and the best mode of improving the same; the nature and kind of its productions, and their position and relative value; its facili-

ties for manufactories; the extent and value of its water power; the character and value of its botanical productions; the character and value of its timber; and all other facts connected with the subjects of geology, mineralogy, botany, and agriculture which may tend to a full development of the resources of the state; and such person is authorized to employ as many proper agents and assistants, to be approved by the governor, as may be necessary to enable him speedily and successfully to accomplish the objects committed to his charge; and he shall, from time to time, communicate to the governor, to be by him communicated to the general assembly, a report, in writing, setting forth fully the results of his survey; which reports shall be published under the supervision of the governor and board of education.

Sec. 2213. Surveyor to deliver lectures. R. C., c. 2, s. 16. 1850, c. 92, s. 4.

The person making such survey shall deliver lectures upon the subjects committed to his charge, in the villages through which he shall pass: *Provided*, that he shall not thereby delay his other duties.

Sec. 2214. North Carolina State Agricultural Society and county societies incorporated; amount of property which may be held. R. C., c. 2, s. 1. 1852, c. 1, ss. 1, 3.

The North Carolina Agricultural Society as organized by a voluntary association, on the eighth day of October, anno domini one thousand eight hundred and fifty-two, at the city of Raleigh, shall be incorporated under the name and style of "The North Carolina Agricultural Society," and may take and hold real and personal estate to the value of fifty thousand dollars, and no more, for the purposes hereinafter specified.

Sec. 2215. Shall elect president and other officers. R. C., c. 2, s. 2. 1852, c. 1, s. 2.

The said society shall annually elect a president, four vice-presidents, treasurer, recording secretary, corresponding secretary, and such other officers as may be necessary, all of whom shall hold their offices until their successors are appointed.

Sec. 2216. Society may alter or modify its by-laws. 1860, c. 1.

The said society is hereby authorized to rescind, alter

or modify any of the rules, articles of association, by-laws or ordinances which existed before said society was incorporated by the general assembly, to the end that it may improve its organization and be empowered to adapt its operations to the great and useful purposes of its institution.

Sec. 2217. Shall provide a place for holding annual fairs. R. C., c. 2, s. 3.

It shall be the duty of the North Carolina Agricultural Society to provide a place for the holding of annual fairs, in order that the citizens may be encouraged by exhibitions, premiums, and other means to develop and improve the productions of agriculture, and every species of native industry; and to this end, and for these great and valuable purposes, and to no other, shall the said society apply all the funds which by any means they may acquire.

Sec. 2218. State treasurer to appropriate conditionally fifteen hundred dollars yearly. R. C., c. 2, s. 4. 1854, c. 1, s. 1.

It shall be the duty of the state treasurer to pay to the treasurer of the North Carolina Agricultural Society, on the first Monday of October, during each and every year, out of any moneys not otherwise appropriated, the sum of fifteen hundred dollars, to be disposed of in the payment of premiums, as hereinafter directed: *Provided*, that the treasurer of the said society shall first produce a certificate from the president thereof, showing that during the past twelve months the like sum has been raised by the said society for the same purposes.

Sec. 2219. Money, how applied. R. C., c. 2, s. 5. 1854, c. 1, s. 2.

The money hereby appropriated shall be applied, under the direction of said society to the payment of premiums upon agricultural productions, implements of husbandry, and domestic animals, and to such other purposes as may, in the judgment of said society, be calculated to advance the interest of agriculture and manufactures.

Sec. 2220. County societies, how formed; what amount of property they may hold. R. C., c. 2, s. 6. 1852, c. 2, ss. 1, 2.

Any number of resident persons, not less than ten,

may associate together in any county, under written articles of association, subscribed by the members thereof, and specifying the object of the association to encourage and promote agriculture, domestic manufactures, and the mechanic arts, under such name and style as they may choose, and thereby become a body corporate with all the powers incident to such a body, and may take and hold such property, both real and personal, not exceeding ten thousand dollars in value as may be needful to promote the objects of their association.

Sec. 2221. How organized; to continue during the will of the legislature. R. C., c. 2, s. 7. 1852, c. 2, s. 3.

Such society shall be organized by the appointment of a president, two vice-presidents, a secretary and treasurer, and such other officers as they may deem proper, who shall thereafter be chosen annually, and hold their places until others shall be appointed. And the society may from time to time, on such conditions as may be prescribed, receive other members of the corporation, which shall continue as long as there are ten members, during the will and pleasure of the general assembly.

Sec. 2222. When organized it shall be certified, and certificate filed in clerk's office; one society only in a county. R. C., c. 2, s. 8. 1852, c. 2, ss. 3, 6.

When such society shall be fully organized, the organization thereof shall be certified by the president and signed by the secretary to the board of county commissioners, and thereupon the board shall order the same to be filed in the office of their clerk and there kept; and the clerk, under the seal of the board, shall certify a copy of the same, together with the order of the board to the treasurer of the state, who, if by the said certificate it shall appear to him that such society has been duly organized, according to this chapter, and it shall likewise be made to appear to him by the certificate of the treasurer of said society, signed by the president, and certified by the clerk of the board under the seal thereof, that the sum of fifty dollars has been actually paid to said society by the members thereof, within one year preceding, for the sole benefit of such society, shall pay to the treasurer of said society fifty dollars out of the public treasury for the like sole use and benefit; and such payment shall be annually made by the treasurer of the state on the terms and conditions above and herein-

after specified: *Provided*, that only one society for each county shall be entitled to the benefits of this chapter; and the board of county commissioners, in case of a conflict between two claimants, shall determine which shall be the corporate body for the county.

Sec. 2223. Funds of society to be appropriated in premiums, &c. R. C., c. 2, s. 9. 1852, c. 2, s. 7.

All moneys so subscribed, as well as that received from the state treasury as herein provided, shall, after paying the necessary incidental expenses of such society respectively, be annually paid out for premiums awarded by such societies, in such sums, and in such way and manner as they severally, under their by-laws, rules and regulations, shall direct, on such live animals, articles of production, and agricultural implements and tools, domestic manufactures, mechanical implements, tools, and productions, as are of the growth and manufacture of the county, and also on such experiments, discoveries, or attainments in scientific or practical agriculture, as are made within the county wherein such societies are respectively organized.

Sec. 2224. Shall transmit to state treasurer annual statement of money received from state; members; expenditures. R. C., c. 2, s. 10. 1852, c. 2, s. 8.

Each agricultural society, entitled to receive money from the state treasury, shall, through its treasurer, transmit to the treasurer of the state, in the month of December or before, a statement of the money received from the state, together with the amount received from the members of the society for the preceding year, a statement of the expenditures of all such sums, and the number of the members of said society.

Sec. 2225. Shall annually publish statements of their experiments, reports, &c. R. C., c. 2, s. 11. 1852, c. 2, s. 9.

Each agricultural society receiving money from the state as aforesaid, shall, in each year, publish at their own expense a full statement of their experiments, and improvements, and reports of their committees, in at least one newspaper of the state; and evidence that the requirements of this chapter have been complied with shall be furnished to the state treasurer, before he shall pay to such society the said sum of fifty dollars for the benefit of such society for the next year.

Sec. 2226. Secretary to keep a record of the proceedings.
R. C., c. 2, s. 12. 1852, c. 2, s. 5.

The secretary of said society shall keep a fair record of its proceedings in a book provided for that purpose, which may be read in evidence in suits wherein the corporation may be a party.

CHAPTER TWO.

ASYLUMS.

DEAF AND DUMB AND THE BLIND.

SECTION.	SECTION.
2227. The institution for the deaf and dumb and the blind to remain a corporation; its name.	and duties; officers, &c.; when elected.
2228. Board of trustees, to be classified.	2235. State treasurer <i>ex officio</i> treasurer of the institution; to make report to the board; trustees to report to the governor.
2229. President and executive committee; principal, steward and physician; their terms of office and compensation; trustees may erect buildings.	2236. Removal of officers; notice thereof; vacancies, how filled.
2230. Meetings of the board.	2237. Employees; their compensation.
2231. Admission into the asylum; questions to be answered in application for admission of deaf mutes, and the blind.	2238. Necessary clothing and traveling expenses of indigent deaf mutes and blind pupils to be paid out of the state treasury; amount to be charged to county.
2232. Admission of pupils from other states.	2239. Lot in front of colored asylum to be used as a garden; contracts of sale for portions of lot to be cancelled with consent of purchasers.
2233. Board authorized to confer degrees.	
2234. Principal; his qualifications	

INSANE.

SECTION.	SECTION.
2240. Insane asylums to remain corporations; their names.	2241. Said asylums may acquire property, by devise, &c.

SECTION.

2242. What asylums for white insane; what for colored.
2243. Division of white insane between asylums; boards of directors to divide.
2244. Removals to Western North Carolina Insane Asylum.
2245. Directors; their term of office, quorum, &c
2246. Executive committees.
2247. Duties and powers of the board.
2248. The boards, their meetings and reports to the general assembly.
2249. Superintendent, his qualifications, term of office and removal.
2250. Assistant physician; his term of office and removal.
2251. Steward; matron; treasurer; their duties.
2252. Superintendent and other officers, their salaries fixed by the board.
2253. Superintendent to control other officers.
2254. Board to make by-laws; report of the superintendent, &c., published; copies sent to clerks of the superior courts.
2255. Criminals confined in jail found to be insane, to be sent to an asylum; orders granted by judges of superior court.
2256. Proceeding to obtain admission to an asylum; affidavit before justice of the peace; justice's warrant; proceedings before him, &c.
2257. Justices of the peace to report proceedings to superior court clerk.
2258. Questions and answers to be transmitted to board of directors.
2259. Superintendent to refer doubtful cases to the board.
2260. Discharge of the cured; re-

SECTION.

- removal of incurables; sent home on probation, &c.
2261. Sheriff to be notified to return escaped lunatic, or one on probation.
2262. Settlement of insane person.
2263. Bonds to be executed for restraining insane persons from committing injuries; not less than five hundred dollars; how put in suit.
2264. Form of bond.
2265. Liability of director or superintendent.
2266. Cost of return to county of settlement paid by treasurer of said county or by estate of insane person, &c.
2267. When insane person to be sent back to asylum; not to be re-discharged on bond of defaulting obligor.
2268. Money belonging to the asylums payable into the state treasury; donations; asylums to be supported by appropriations.
2269. Officers and employees exempt from service on juries, &c.
2270. Board to keep records of proceedings; their clerk and his compensation; books open to inspection of general assembly.
2271. Board of public charities and members of general assembly *ex officio* visitors to the asylums; duties of the board of public charities.
2272. Fiscal year to close November thirtieth.
2273. Proceeding to place insane persons possessed of sufficient income in asylum outside the state.
2274. Duty of person having custody of estate of such insane person to supply necessary funds, &c.

SECTION.

2275. Justices to report proceedings to superior court clerk.
2276. Clerk to lay proceedings before judge, &c.
2277. Certified copy of proceedings with approval of judge sufficient warrant to authorize removal to asylum designated.
2278. Indigent insane to have priority of admission to asylum.

SECTION.

2279. When any person found insane, cannot be immediately admitted to an asylum or otherwise safely cared for, if violent, he may be placed in common jail, temporarily.
2280. Discharge of an insane person in any county, not a patient of an asylum.

DEAF AND DUMB AND THE BLIND.

Sec. 2227. The institution for the deaf and dumb and the blind to remain a corporation; its name. 1881, c. 211, s. 1.

The institution for the education of the deaf and dumb and the blind located in the city of Raleigh, on Caswell square, and on a lot located in the eastern part of the city, belonging to the state, and on which the institution for the colored children is located, shall be a corporation under the name and style of "The North Carolina Institution for the Education of the Deaf and Dumb and the Blind," and shall be under the management of a board of trustees and principal.

Sec. 2228. Board of trustees, to be classified. 1881, c. 211, s. 2.

The governor shall, by and with the consent of the senate, appoint seven trustees for said institution, and they shall, at their first meeting in the year one thousand eight hundred and eighty-one, elect of their number trustees to be classified as follows: The first class to consist of three, and their terms shall be for six years; the second class of two, and their terms shall be for four years; the third class consisting of two, shall hold for two years: *Provided*, that when the terms shall expire, their successors shall be appointed for six years: *Provided further*, that the trustees shall hold until their successors are appointed and confirmed by the senate.

R. R. Co. v. Holden, 63—410; Nichols v. McKee, 68—429.

Sec. 2229. President and executive committee; principal, steward and physician; their terms of office and compensation; trustees may erect buildings. 1881, c. 211, s. 3.

The board of trustees shall organize by electing one of

their number president and three an executive committee. The terms of office in each case shall be for two years. They shall elect a principal, who shall be *ex officio* secretary of the board, and whose term of office shall be for three years, also a steward and physician whose term of office shall be for two years, and such other officers, agents and teachers as shall be deemed necessary. The compensation for officers and agents and teachers, mentioned in this section, shall be fixed by the board, and shall not be increased nor reduced during their term of service. The board shall have power to erect any buildings necessary, make improvements, or in general do all matters and things which may be beneficial to the good government of the institution, and to this end may make by-laws for the government of the same.

Sec. 2230. Meetings of the board. 1881, c. 211, s. 4.

The board shall meet at stated times and also at such other times as they may deem necessary.

Sec. 2231. Admission into asylum; questions to be answered in application for admission of deaf mutes, and the blind. 1881, c. 211, s. 5.

The board of trustees shall, on application, receive in the institution for the purpose of education, in the main department, all white deaf mutes and blind children, and in the department for the colored all colored deaf mutes and blind children, residents of this state, not of confirmed immoral character, nor imbecile, or unsound in mind, or incapacitated by physical infirmity for useful instruction, who are between the age of eight and twenty-one years: *Provided*, that applications shall be made and applicants received at stated times, which shall be at the commencement of some scholastic year. In case of deaf mutes the following questions shall be answered:

Name?

Is the child white or colored?

When and where was he born?

Was he born deaf?

At what age did he lose his hearing?

By what disease or accident did he become deaf?

Is the deafness total or partial?

Have any attempts been made to remove the deafness?

Is there any ability to articulate or read on the lips?

Have any attempts been made to communicate instruction?

Is he laboring under any bodily infirmity.

Does he show any signs of mental imbecility or idiocy?

Has he had the small-pox or been vaccinated?

Has he had the scarlet fever?

Has he had the measles?

Has he had the mumps?

Has he had the whooping-cough?

Are there any other cases of deafness in the family?

Are there any cases of deafness among relatives or ancestors?

What is the name of the father?

What is the name of the mother?

What is the occupation of the father?

What is his post-office address?

Is either of the parents dead?

Has a second connection been formed by marriage?

Was there any relationship between the parents previous to marriage?

In case of blind applicants the following questions shall be answered:

Name?

Is the child white or colored?

When and where was he born?

Was he born blind?

At what age did he become blind?

By what disease or accident did he become blind?

Is the blindness total or partial?

Have any attempts been made to remove the blindness?

Have any attempts been made to communicate instruction?

Is he laboring under any bodily infirmity?

Does he show any signs of mental imbecility or idiocy?

Has he had the small-pox or been vaccinated?

Has he had the scarlet fever?

Has he had the measles?

Has he had the mumps?

Has he had the whooping-cough?

Are there any other cases of blindness in the family?

Are there any cases of blindness among relatives or ancestors?

What is the name of the father?

What is the name of the mother?

What is the occupation of the father?

What is his post-office address?

Is either of the parents dead?

Has a second connection been formed by marriage?

Was there any relationship between the parents previous to marriage?

When the application is made, it shall be filed in the office of the principal, and on reception of applicant, a record of such pupil shall be made and entered in a book to be kept for that purpose.

Sec. 2232. Admission of pupils from other states. 1881, c. 211, s. 6.

The board may, on such terms as they deem proper, admit as pupils persons from any other state of like infirmity: *Provided*, such power shall not be exercised to the exclusion of any child of this state, and the person so admitted shall not acquire the condition of a resident of the state by virtue of such pupilage.

Sec. 2233. Board authorized to confer degrees. 1881, c. 211, s. 7.

The board may, upon the recommendation of the principal and faculty, confer such degree or marks of literary distinction as may be thought best to encourage merit.

Sec. 2234. Principal; his qualifications and duties; officers, &c., when elected. 1881, c. 211, s. 8.

The board of trustees shall, on the second Monday in June, one thousand eight hundred and eighty-one, and every three years thereafter, elect an officer to be styled principal. He shall be a married man, of good moral character, and qualified by education and experience to perform the duties of the position. He shall have charge of the institution in all its departments; do and perform such duties and exercise such supervision as is incumbent upon such officer. The officers, agents, and teachers mentioned in this chapter shall be elected at the same time for their respective terms: *Provided*, this section shall not apply to the president of the board nor to the executive committee.

Sec. 2235. State treasurer ex officio treasurer of the institution; to make report to the board; trustees to report to the governor. 1881, c. 211, s. 9.

The state treasurer shall be *ex officio* treasurer of the institution. He shall report to the board at such times as they may call on him showing the amount received

on account of the institution, amount paid out, and amount on hand. The board shall make a report to the governor on the first of January next before the regular meeting of the general assembly, showing the condition of the institution in its various departments, and shall give any information the governor shall desire from time to time.

Sec. 2236. Removal of officers; notice thereof; vacancies, how filled. 1881, c. 211, s. 10.

The board shall have power to remove any officer mentioned in this chapter for gross immorality, wilful neglect of duty, or any other good and sufficient cause; but in any such case notice in writing of the charges shall be served on the accused, proved and entered on record. The board shall fill all vacancies which may occur from any cause.

Sec. 2237. Employees; their compensation. 1881, c. 211, s. 11.

The principal shall have power to employ all employees and fix their compensation, and to discharge them at pleasure.

Sec. 2238. Necessary clothing and traveling expenses of indigent deaf-mutes and blind pupils to be paid out of state treasury; amount to be charged to county. 1879, c. 332, s. 1.

Where it shall appear to the satisfaction of the governor, upon the affidavit of two respectable citizens, that the parents of any deaf-mute or blind child are unable to provide said child with clothing and for expenses to and from the institution, or where the child has no living parents, then the governor shall draw upon the auditor for an amount sufficient to clothe him and pay said expenses, and the auditor, upon the state treasurer, who shall pay the same: *Provided*, the auditor shall charge said amount to the county from which said child came and add it to the tax list of the sheriff of said county and collect the same as other amounts due the state; *Provided further*, the amount charged shall in no case exceed twenty dollars per year for any pupil.

Sec. 2239. Lot in front of colored asylum to be used as a garden; contracts of sale for portions of lot to be cancelled with consent of purchasers. 1879, c. 332, s. 2.

The board of directors shall have the lot in front of the

colored institution for the purpose of a garden for the pupils, and the sale of a portion of said lot, and all notes and papers may be cancelled, provided the purchasers will agree to give up the bonds, receive their notes and the amount of money advanced by them, and to this end the governor is fully empowered to effect this arrangement.

INSANE.

Sec. 2240. Asylums to remain corporations; their names.

1883, c. 156, s. 1.

“The North Carolina Insane Asylum,” located near Raleigh, shall be and remain a corporation under that name; “The Western North Carolina Insane Asylum,” located near Morganton, shall be and remain a corporation under that name; and “The Eastern North Carolina Insane Asylum,” located near Goldsboro, shall be and remain a corporation under that name. Under such name each corporation is invested with all the property and rights heretofore held by each under what name soever called or incorporated, and all other corporate names are hereby abolished.

Sec. 2241. Said asylums may acquire property; by devise,

&c. 1883, c. 156, s. 2.

“The North Carolina Insane Asylum,” “The Western North Carolina Insane Asylum,” and “The Eastern North Carolina Insane Asylum” may each acquire and hold for the purposes of its institution, property and estate by devise, bequest, or by any manner of gift, purchase, or conveyance whatever.

Sec. 2242. What asylums for white insane; what for colored. 1883, c. 156, s. 3.

“The North Carolina Insane Asylum” and “The Western North Carolina Insane Asylum” shall be exclusively for the accommodation, maintenance, care and treatment of the white insane of the state, and “The Eastern North Carolina Insane Asylum” shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane of the state.

Sec. 2243. Division of white insane between asylums; boards of directors to divide. 1883, c. 156, s. 4.

The boards of directors of “The North Carolina Insane Asylum,” and of “The Western North Carolina Insane

Asylum," shall jointly, as soon as practicable, in writing, determine upon an equal division of the white population of the state, as nearly as may be by a line running from the state of Virginia on the north, to the state of South Carolina on the south; and thereafter insane white persons settled in counties east of such line shall only be admitted to "The North Carolina Insane Asylum," and insane white persons settled in counties west of such line shall only be admitted to "The Western North Carolina Insane Asylum." But said boards of directors, nevertheless, shall, from time to time, change such line so as to make a larger proportion of counties west of such line whenever and as the capacity of "The Western North Carolina Insane Asylum" shall be ready to receive an increased number of patients.

Sec. 2244. Removals to Western North Carolina Insane Asylum. 1883, c. 156, s. 5.

All insane persons in "The North Carolina Insane Asylum," upon the determination of such line, whose settlement may be in the counties west of such line, shall at such time as may be determined by the boards of directors of "The North Carolina Insane Asylum" and "The Western North Carolina Insane Asylum," be sent by the superintendent of "The North Carolina Insane Asylum" to "The Western North Carolina Insane Asylum," and the cost of such removal shall be paid by the state treasurer upon the certificate of said superintendent and the warrant of the governor.

Sec. 2245. Directors; their term of office; quorum, &c. 1883, c. 156, s. 6.

Each corporation shall be under the management of a board of nine directors, nominated by the governor and, by and with the advice and consent of a majority of the senators elect, appointed by him, of whom five directors shall be a quorum, except where three of their number are hereafter in this chapter empowered to act for special purposes. Each board of directors shall be in classes of three, as now divided, and the terms of office of said classes shall expire as follows, viz.: of the first class, on the first day of March, one thousand eight hundred and eighty-three, of the second class, on the first day of March, one thousand eight hundred and eighty-five, and of the third class, on the first day of March, one thousand eight hundred and eighty-seven, and at the expiration of said respective terms all appointments shall be

for a term of six years, except such as are made to fill unexpired terms.

Sec. 2246. Executive committees. 1883, c. 156, s. 7.

Each board of directors shall, out of their number, appoint three members as an executive committee, two of whom shall reside in or near the location of their respective corporations, who shall hold their respective offices as such for one year, and shall have such powers and be subject to such duties as the board of directors may delegate to them.

Sec. 2247. Duties and powers of the board. 1883, c. 156, s. 8.

Each board of directors shall direct and manage the affairs of their institution, and shall for its purposes have power to receive, hold, manage, convey or otherwise dispose of, in the name of their institution, all such property or estate as may hereafter be given or otherwise conveyed to their corporation; and the members of each board shall serve without reward, save their traveling expenses incurred in the discharge of their official duties.

Sec. 2248. The boards; their meetings, and reports to the general assembly. 1883, c. 156, s. 9.

Each board of directors shall convene at the asylum, of which it has charge, on the first Wednesday after the first Monday of March in each year, and at such other times as they shall appoint, and investigate the administration of its affairs, and report on the same to the general assembly, with such remarks and recommendations as to them shall seem expedient.

Sec. 2249. Superintendent; his qualifications, term of office and removal. 1883, c. 156, s. 10.

Each board of directors shall appoint a superintendent of their institution and prescribe his duties. He shall be a skilled physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold his office for six years from and after his appointment, unless sooner removed by said board, who may for infidelity to his trust, gross immorality or incompetency to discharge the duties of his office, fully proved and declared, and the proof thereof recorded in the book of their proceedings, remove him and appoint another in his place.

Sec. 2250. Assistant physician ; his term of office and removal. 1883, c. 156, s. 11.

Each board of directors shall appoint one or more assistant physicians, and with the advice and consent of the superintendent, prescribe his duties. Every assistant physician hereafter appointed shall hold his place for two years from and after his appointment, unless sooner removed by said board, for good cause, which shall be specified and recorded in their proceedings.

Sec. 2251. Steward, matron, treasurer; their duties. 1883, c. 156, s. 12. 1883, c. 405.

Each board of directors, at their annual meeting, shall, on the nomination of the superintendent, appoint a steward and matron, who shall hold their places for one year, unless sooner removed by said board for good cause, which cause shall be specified in their proceedings, and other officers shall be appointed for the unexpired term of those removed. The state treasurer shall be treasurer of said corporations, and he may appoint deputies to act for him at Morganton and Goldsboro, and may pay such deputies reasonable compensation. The state treasurer shall keep all accounts of the institutions, and shall pay out all moneys upon the warrant of the respective superintendents, countersigned by two members of the board of directors, under such rules and regulations as the respective boards of directors may establish.

Sec. 2252. Superintendent and other officers; their salaries fixed by the board. 1883, c. 156, s. 13.

Each board of directors shall fix the salaries and compensation of the superintendent, and the officers and employees whose services may be necessary for the management of the asylum under charge of said board: *Provided*, that the salaries shall not be diminished during the term of the incumbents: *Provided further*, that the salary of the superintendent shall be a sum certain, without other compensation or allowance, except such rooms in the asylum for the use of his family, and such articles of food produced on the premises as said board of directors may permit.

Sec. 2253. Superintendent to control other officers. 1883, c. 156, s. 14.

Each superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his asylum, and

he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors of his asylum the misconduct of all other subordinates.

Sec. 2254. Board to make by-laws; report of the superintendent, &c., published; copies to be sent to clerks of superior courts. 1883, c. 156, s. 15.

Each board of directors shall make all such by-laws and regulations for the government of their institution as shall be necessary; among which regulations shall be such as shall make the institution as nearly self-supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superintendent and that of the treasurer to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior court of every county in the state.

Sec. 2255. Criminals confined in jail found to be insane, to be sent to an asylum; order granted by judges of the superior court. 1883, c. 156, s. 16.

The judges of the superior court, in their respective districts, shall commit to the proper asylum, if there be room therein, as a patient, any person who may be confined in jail, on a criminal charge of any kind or degree, or upon a peace warrant, whenever the judge shall be satisfied by the verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane, and that such insanity continues; and also any person acquitted upon a criminal charge, where, on the trial of such person, insanity was relied upon as a defence: *Provided*, the fact of insanity was found as a distinct issue to exist at the time of such trial, or is so found by a jury of inquisition as such judge may direct. A copy of such finding in any of the above cases shall accompany the committal.

Sec. 2256. Proceeding to obtain admission to an asylum; affidavit before justice of the peace; justice's warrant; proceedings before him, &c. 1883, c. 156, s. 17.

For admission into any insane asylum in other cases, the following proceedings shall be had: some respectable citizen, residing in the county of the alleged insane person, shall make before and file with a justice of the peace of the county, an affidavit in writing, which shall be substantially as follows:

STATE OF NORTH CAROLINA, }
County. }

The undersigned, residing in said county, maketh oath that he has carefully examined.....the alleged lunatic, and believes him to be an insane person, and to be, in the opinion of the undersigned, a fit subject for admission into an insane asylum.

Dated....day of....., 18....

A..... B....., (Affiant.)

Sworn and subscribed before P..... D....., J. P.

Whereupon, unless the person in whose care or custody the alleged insane is, will agree to bring him before said justice without a warrant, or when such alleged insane person is confined in jail otherwise than for crime, the justice shall issue a precept, directed to the sheriff or to a constable (who shall be empowered for that purpose to take from jail such person) as follows:

STATE OF NORTH CAROLINA.

To the Sheriff or Constable of County, Greeting:

Whereas, information on oath has been laid before me that is insane, you are hereby commanded to bring him before me or some other justice of the peace of said county within the next ten days, that necessary proceedings may be had thereon.

Given under my hand this day of , 18...

C..... D....., J. P.

Upon the bringing of the alleged insane person before the justice by his friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him one or more justices of said county, who together shall proceed to examine into the condition of mind of the alleged insane person, and shall take the testimony of at least one respectable physician, and such others as they may think proper. If any two of the justices shall decide that such person is insane, and some friend, as he may do, will not become bound, with good security, to restrain him from committing injuries, and to keep, support and take care of him until the cause for confinement shall cease, such justices shall direct such insane person to be removed to the proper asylum as a patient; and to that end they shall direct a warrant to the sheriff or constable, and at the same time shall transmit to the proper board of directors the examination of the witnesses, and a statement of such facts as the said justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows:

STATE OF NORTH CAROLINA,

To the Sheriff or Constable of County, Greeting:

Whereas, it has been made to satisfactorily appear to us, C..... D..... and E..... F....., justices of the peace of

said county, that A. B., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for an insane asylum, and that his being at large is injurious to himself and disadvantageous if not dangerous to the community: You are hereby commanded to take the said A. B. and convey him (to the proper asylum) and there deliver him to the superintendent thereof for safe keeping.

Given under our hands this day of, 18. . .

C. D., J. P.
E. F., J. P.

Sec. 2257. Justices of the peace to report proceedings to superior court clerk. 1883, c. 156, s. 18.

Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to an asylum for safe keeping, it shall be their duty to make a full report of their proceedings to the clerk of the superior court of their county.

Sec. 2258. Questions and answers to be transmitted to board of directors. 1883, c. 156, s. 19.

The following questions with their respective answers by at least one physician of respectable standing, and such other competent witnesses as said justices may determine, duly sworn and subscribed by them, and so certified by said justices, shall be transmitted with the other papers to the board of directors of the proper asylum :

Question 1. What is the name of the patient ?

Q. 2. Is he white or colored ?

Q. 3. What is his age ?

Q. 4. Is he married or single, and if married, for how many years ?

Q. 5. What is the supposed cause of insanity ?

Q. 6. In what way is the disease exhibited ?

Q. 7. Has any medical treatment been pursued ; if so, what kind and by whom ?

Q. 8. How long has he been insane ? Count from the first symptoms, and give all known symptoms from that time to this date ?

Q. 9. Has the patient manifested any propensity to injure himself or others ; if so, in what way and how often ?

Q. 10. Has he been subject to epilepsy ?

Q. 11. Have any of his ancestors been insane ; if so, state what ancestors, and what was the character of their insanity ?

Q. 12. Has he any family ; and if so, what persons compose it ?

Q. 13. Are any of them insane, and what is the character of such insanity ?

Q. 14. What is the occupation of the patient?

Q. 15. How many attacks of mental disease has the patient had?

Q. 16. Are the parents of the insane persons related by blood; if so, what is the degree of relationship?

Q. 17. Has the patient property; if so, state in what such property consists, and what is the value thereof?

Q. 18. Is he under any forcible restraint; if so, what?

Q. 19. Has the patient received any aid from the county; if so, what?

Q. 20. Give name and post office of the nearest relative or friend of the patient, with whom the superintendent of the insane asylum can correspond, as circumstances require for the benefit of the patient?

Q. 21. Give any information in your possession not embraced in the above questions, which may throw light on the mental or physical condition of the patient.

Sec. 2259. Superintendent to refer doubtful cases to the board. 1883, c. 156, s. 20.

Whenever an insane person shall be conveyed to any asylum, and the superintendent is in doubt as to the propriety of his admission, he may convene any three of the board of directors of his asylum, who shall constitute a board for the purpose of examining and deciding if such person is a proper subject for admission, and if a majority of such board so decide, such person shall be received into said asylum; but a like board may at any time thereafter deliver said insane person to any friend who will become bound, with good surety, to restrain him from committing injuries, and to keep, maintain and take care of him, in the same manner as he might have become bound under the authority of the justices of the peace.

Sec. 2260. Discharge of the cured; removal of incurables; sent home on probation, &c. 1883, c. 156, s. 21.

Any three of the board of directors of any asylum, upon the superintendent certifying the facts (a copy of which certificate shall be sent to the clerk of the superior court of the county of settlement) shall be a board to discharge or remove from their asylum any person admitted as insane, when such person has become or is found to be of sane mind, or when such person is incurable and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or said board may permit such person to go to the county of his settlement on probation, when in the opinion

of the said superintendent it will not be injurious to himself or dangerous to the community, and said board may discharge or remove such person upon other sufficient cause appearing to them, and whenever any such person, if admitted as indigent, may be so discharged or removed, except as sane, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such indigent person discharged as sane shall receive from such asylum a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county.

Sec. 2261. Sheriff to be notified to return escaped lunatic, or on probation. 1883, c. 156, s. 22.

Any superintendent may notify any sheriff within whose county any person sent from his asylum on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to such asylum at the expense of his county.

Sec. 2262. Settlement of insane person. 1883, c. 156, s. 23.

For the purposes of this chapter, the settlement of any person admitted to any insane asylum as insane, shall be in the county where the actual place of his residence, at his admission, may be situated, when such settlement comes in question.

Sec. 2263. Bonds to be executed for restraining insane persons from committing injuries, not less than five hundred dollars; how put in suit. 1883, c. 156, s. 24.

All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the state of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the superior court of the county wherein said insane person is settled, for safe keeping, and may be put in suit by any person injured by said insane person by reason of his insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of said insane person's residence is situated, for any other breach thereof, wherein the damages received shall be for the use of said insane person.

Sec. 2264. Form of bond. 1883, c. 156, s. 25.

The form of bond mentioned in the preceding section shall be as follows:

STATE OF NORTH CAROLINA,)

County of)

Know all men by these presents, that we, A.... B...., principal, and C.... D.... and E.... F...., sureties, are held and firmly bound unto the state of North Carolina, in the sum of dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals this day of....., 18..

The condition of the above obligation is this: Whereas, the said A.... B...., with the view of hindering G.... H...., an insane person, resident in the county aforesaid, from being sent to insane asylum (or to effect his release from the said asylum, as the case may be) hath undertaken to restrain him from committing injuries, and to keep, maintain, support and take care of the said G.... H.... Now if the said A.... B.... shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A..... B....., [Seal.]

C..... D....., [Seal.]

E..... F....., [Seal.]

Sec. 2265. Liability of director or superintendent. 1883, c. 156, s. 26.

No director or superintendent of any of said insane asylums shall be personally liable for any act or thing done under or in pursuance of any of the provisions of this chapter.

Sec. 2266. Cost of return to county of settlement paid by treasurer of said county, or paid by estate of insane person, &c. 1883, c. 156, s. 27.

The cost and expense of conveying any indigent insane person to any of such asylums from any county, or of removing him therefrom to any county or of his return to the county of his settlement as sane, under any of the provisions of this chapter, shall be paid by the treasurer of such county upon the order of the chairman of its board of county commissioners: *Provided*, that (except when any such person admitted as indigent is discharged as sane) upon satisfactory proof before such board of county commissioners that such person or some other person liable for his maintenance has sufficient property to pay such costs and expenses, such board may refuse such payment, and the estate of such person shall be liable for such cost and expense.

Sec. 2267. When insane person to be sent back to asylum; not to be re-discharged on bond of defaulting obligor. 1883, c. 156, s. 28.

Whenever it shall be made to appear to any two jus-

tices of the peace of the county of settlement of such insane person, that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper asylum by them, unless some other responsible and discreet friend will undertake to fulfil the duties of said obligation; and whenever said insane person shall be sent back, he shall not be delivered on any new bond of the defaulting obligor.

Sec. 2268. Money belonging to the asylums to be payable into the state treasury; donations; asylums to be supported by appropriations. 1883, c. 156, s. 29.

All moneys and proceeds of property given to any insane asylum, all moneys arising from any estate which may be owned by such asylum, and all dues to such asylum from any and all sources, shall be paid into the state treasury, and all donations in which there shall be special directions for their application, shall be kept as a distinct fund and faithfully applied as the donor may have directed; and the said insane asylum shall be supported by appropriations from the state treasury.

Sec. 2269. Officers and employees exempt from service on juries, &c. 1883, c. 156, s. 30.

In order to secure their constant supervision and attendance, the officers and employees of any insane asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

Sec. 2270. Board to keep records of proceedings; their clerk and his compensation; books open to inspection of general assembly. 1883, c. 156, s. 31.

Each board of directors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a clerk, and pay him a reasonable compensation for his services. The books shall at all times be open to the inspection of the general assembly.

Sec. 2271. Board of public charities and members of the general assembly ex officio visitors of the asylums; duties of the board of public charities. 1883, c. 156, s. 32.

The board of public charities and the members of the general assembly shall be *ex officio* visitors of all insane asylums. It shall be the duty of the board of public

charities to visit the asylums from time to time, as they may deem expedient, to examine into their condition, and make report thereon to the general assembly, with such suggestions and remarks as they may think proper. And to said board, and to the board of directors of his asylum, and to the general assembly only, shall each superintendent be required to make reports or furnish statistics.

Sec. 2272. Fiscal year to close November thirtieth. 1883, c. 156, s. 33.

The close of the fiscal year shall be the thirtieth day of November in each year, and all accounts and estimates shall be made with reference thereto.

Sec. 2273. Proceedings to place insane persons who are possessed of sufficient income in asylum outside the state. 1883, c. 156, s. 34.

Whenever any person shall be found to be insane in the mode hereinbefore prescribed, and such person shall be possessed of an income amply sufficient to support those who may be legally dependent for support on the estate of such insane person, and moreover to support and maintain such insane person in any named asylum situated out of the state; and such insane person, if of capable mind to signify such preference, shall, in writing, declare his wish to be placed in such asylum without the state, instead of being in an asylum established by the state; (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian;) and two respectable physicians who shall have examined such insane person, with the justices who made the examination, shall deem it proper, then it may be lawful for said justices, together with said physicians, to recommend in writing that such insane person shall be placed in the asylum so chosen as a patient thereof.

Sec. 2274. Duty of person having custody of estate of such insane person to supply necessary funds, &c. 1883, c. 156, s. 35.

It shall be the duty of any person having the legal custody of the estate of such insane person, to supply the funds for his support in the asylum in which he may be placed, during his stay therein, and so long as they may be sufficient for that purpose, over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

Sec. 2275. Justices to report proceedings to superior court clerk. 1883, c. 156, s. 36.

It shall be the duty of said justices to report the proceedings in such cases to the clerk of the superior court of the county in which such insane person may reside or be domiciled.

Sec. 2276. Clerk to lay proceedings before judge, &c. 1883, c. 156, s. 37.

The clerk of the court shall lay the said proceedings before the judge of the superior court of the district in which said insane person may reside or be domiciled, and if he approve them he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by said clerk.

Sec. 2277. Certified copy of proceedings with approval of judge sufficient warrant to authorize removal to asylum designated. 1883, c. 156, s. 38.

A certified copy of such proceedings, with the approval of the said judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the said judge to remove him to the asylum designated.

Sec. 2278. Indigent insane to have priority of admission to asylum. 1883, c. 156, s. 39.

In the admission of patients to any insane asylum, priority of admission shall be given to the indigent insane: *Provided*, that the boards of directors may regulate admissions, having in view the curability of patients and the welfare of their institution: *Provided further*, that said boards may, if there be sufficient room, admit other than indigent insane persons upon payment of proper compensation.

Sec. 2279. When any person found insane, cannot be immediately admitted to an asylum, or otherwise safely cared for, if violent, he may be placed in common jail temporarily. 1883, c. 156, s. 40.

When any person is found to be insane, under any of the provisions of this chapter, and he cannot immediately be admitted to the appropriated asylum, and such person is also found to be subject to such acts of violence as threaten injury to himself or danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to the county jail, until a more suitable provision can be made for his care.

Sec. 2280. Discharge of an insane person in any county, not a patient of an asylum. 1883, c. 156, s. 41.

It shall be the duty of the board of county commissioners, by proper order to that effect, to discharge any ascertained lunatic in their county, not admitted to the appropriate insane asylum and not committed for crime, when it shall appear upon the certificate of two respectable physicians and the chairman of their board that such lunatic ought to be discharged if in any insane asylum.

CHAPTER THREE.

AUCTIONEERS.

SECTION.

2281. Auctioneers; how appointed.
 2282. Duties of auctioneers; to render semi-yearly to clerk sworn account of auction sales and amount of tax.
 2283. Penalty of two hundred dollars for acting without appointment.

SECTION.

2284. What sales exempt from auction tax.
 2285. Fees not over two and a half per cent.; one per cent. to be paid by town auctioneers to the town.

Sec. 2281. Auctioneers; how appointed. R. C., c. 10, s. 1.

Any citizen of the state, desiring to exercise the business of an auctioneer, shall apply to the board of county commissioners, or the commissioners or other authority of incorporated towns in the county in which he proposes to carry on such business, and, upon his giving bond in the sum of five thousand dollars, payable to the state of North Carolina, to be approved by said commissioners or other authority conditioned that he will perform faithfully all the duties required of auctioneers, the sheriff shall issue to him a license to act as an auctioneer in said county for twelve months from the date of the license.

Com'rs v. Holloway, 3 Hawks, 234.

Sec. 2282. Duties of auctioneers; to render semi-yearly to clerk sworn account of auction sales and amount of tax. R. C., c. 10, s. 2.

It shall be the duty of such auctioneers, on the first

days respectively of October and April, to render to the clerks of the superior court of their respective counties, a true and particular account in writing of all the moneys made liable to duty by law, for which any goods, wares, or merchandise may have been sold at auction, and also at private sale, where the price of the goods, wares, and merchandise sold at private sale was fixed or agreed upon or governed by any previous sale at auction, of any goods, wares, and merchandise of the same kind; which account shall contain a statement of the gross amount of sales by them made for each particular person or company at one time, the date of each sale, the names of the owners of the goods, wares and merchandise sold, and the amount of the tax due thereon, which tax they shall pay as directed by law: And which statement shall be subscribed by them, and sworn to before the clerk of the said court, who is hereby authorized to administer the oath. And it shall be their further duty to account with and pay to the person entitled thereto, the moneys received on the sales by them made.

Sec. 2283. Penalty of two hundred dollars for acting without appointment. R. C., c. 10, s. 5.

No person shall exercise the trade or business of an auctioneer, by selling any goods, wares, or merchandise by auction or by any other mode of sale whereby the best or highest bidder is deemed to be the purchaser, unless such person shall be appointed an auctioneer pursuant to this chapter, on pain of forfeiting to the state, for every such sale, the sum of two hundred dollars, which shall be prosecuted to recovery by the solicitor of the district.

Sec. 2284. What sales exempt from auction tax. R. C., c. 10, s. 6.

Nothing in this chapter shall extend to any sale by auction of goods, wares and merchandise, made pursuant to and in execution of, any order, decree, or judgment of the courts of the United States or of this state; or made in consequence of any assignment of property and estate for the benefit of creditors; or made by executors, administrators, collectors or guardians; or made pursuant to any law touching the collection of any tax or duty, or sale of any wrecked goods; or to any article the product of the agriculture of this state, in its natural or unmanufactured state; or to any species of stock or domestic animals; or to any articles of household furniture, or farming utensils which have been in use; but shall ex-

tend only to such articles of goods, wares and merchandise as are the ordinary subject of traffic and sale by merchants and traders.

Clark v. Latham, 8 Jon., 1.

Sec. 2285. Fees not over two and a half per cent.; one per cent. to be paid by town auctioneer to the town. R. C., c. 10, s. 7.

Auctioneers shall be entitled to such compensation as may be agreed upon, not exceeding two and a half per cent. on the amount of sales; and auctioneers of incorporated towns shall retain and pay one per cent. of the gross amount of sales to the commissioners or other authority of their respective towns.

Thompson v. Berry, 64—79.

CHAPTER FOUR.

BANKS.

SECTION.

2286. May receive and pay out lawful currency, deal in exchange, &c.; hold real estate for transaction of business, or to secure debts; sell the same; lend money; receive deposits; guardians, &c., not exempt

SECTION.

from liability on account of this section.
2287. Actions by banks; notes of banks a set-off; judgments and executions in favor of bank paid off by notes of bank.

Sec. 2286. May receive and pay out lawful currency, deal in exchange, &c.; hold real estate for transaction of business, or to secure debts; sell the same; lend money; receive deposits; guardians, &c., not exempt from liability on account of this section. 1874-'5, c. 117.

All banking institutions incorporated under the laws of this state may receive and pay out the lawful currency of this state, or of any of the states of the United States, deal in exchange, gold and silver coin, bullion, uncurrent paper bonds and stocks, and public or other securities, manufactured goods, cotton or other products of the country; may purchase and hold real estate for the transaction of business, or such as may be conveyed to secure debts to said banks, or for other purposes, and may sell

and convey the same; and may also hold such personal property as may be conveyed to secure debts, or acquired for other purposes, and at pleasure sell or exchange the same; may discount notes and other evidences of debts and lend money at the legal rate of interest of this state, which interest may be taken in advance at the time of loan in discount. It may receive on deposit moneys on terms to be agreed on between the officers and depositors, not exceeding the rate allowed by law. The bank may also receive on deposit moneys held in trust by administrators, executors, guardians or others, may issue certificates of deposit bearing interest not exceeding the legal rates: *Provided*, no administrator, executor, guardian or other person acting in a fiduciary capacity shall be exempt from any liability on their official bonds as such by the provisions mentioned in this section. Bills, notes, certified checks or other obligations, when signed by the proper officers of the bank, shall be as binding as if under the seal of the bank; those payable to order shall be assignable by endorsement, and those payable to bearer shall be negotiable and payable by delivery only.

Attorney General v. Bank, 1 D. & B. Eq., 216; Hauser v. Tate, 85—81.

Sec. 2287. Actions by banks; notes of banks a set-off; judgments and executions in favor of bank paid off by notes of bank. 1866, c. 17, s. 15. 1868-'9, c. 77.

In all actions brought by any bank of the state, or by any assignee or endorsee of said bank, or any officer of said bank, or by a receiver appointed by court for said bank, it shall and may be lawful for the defendant or defendants to set-off by pleas or on trial any note issued by said bank or its branches, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding, but said plea of set-off, or set-off on trial, shall not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit has been brought, and all judgments and executions in favor of such bank, or for the benefit of such bank, may be paid off and discharged in the notes of such bank: *Provided*, this section shall not apply to any debt reduced by the scale of depreciation of Confederate currency, nor to any debt to any of said banks contracted since the first day of May, one thousand eight hundred and sixty-five, the consideration for which was specie, nor to costs.

Mann v. Blount, 65—99; Bank v. Tiddy, 67—169; Bank v. Heart, 67—267; Blount v. Windley, 68—1; Bank v. Creditors, 86—323.

CHAPTER FIVE.

BOATS AND CANOES.

SECTION.

2288. Trespass on boats, &c.; penalty and damages.

Sec. 2288. Trespass on boats, &c.; penalty and damages.

R. C., c. 14, ss. 1, 3.

Any person who shall take away from any landing or other place where the same shall be, or shall loose, un-moor, or turn adrift from the same, any boat, canoe, or pettiagua, belonging to or in the lawful custody of any person; or any person who shall direct the same to be done without the consent of the owner, or the person having the custody or possession of such boat, canoe, or pettiagua, shall forfeit and pay to such owner, or person having the custody and possession as aforesaid, the sum of two dollars; and the owner may also have his action for such injury. The penalties aforesaid shall not extend to any person who shall press any boat, canoe or pettiagua by public authority.

CHAPTER SIX.

BOUNDARIES OF STATE.

SECTION.

2289. Governor to appoint commissioner to re-run and re-mark lines, &c.

2290. Expenses, how and when paid.

2291. Arbitrators to be appointed in case of disagreement.

SECTION.

2292. Governor to report serious disagreement of arbitrators to general assembly.

2293. Survey to be communicated by governor to general assembly; no force until adopted by general assembly.

Sec. 2289. Governor to appoint commissioner to re-run and re-mark lines, &c. 1881, c. 347, s. 1.

The governor is authorized to appoint a competent commissioner on the part of the state, to act with the

surveyors or commissioners appointed or to be appointed by any of the contiguous states of Virginia, South Carolina, Georgia or Tennessee, to re-run and re-mark by some permanent monument at convenient intervals, not greater than five miles, the boundary lines between this state and any of the said states.

Sec. 2290. Expenses, how and when paid. 1881, c. 347, s. 2.

When the line has been re-run and re-marked as above provided between this state and any of the contiguous states, or such portion of said lines as shall be mutually agreed by the commissioners, the governor is authorized to issue his warrant upon the state treasurer for such portion of the expenses as shall fall to the share of this state.

Sec. 2291. Arbitrators to be appointed in case of disagreement. 1881, c. 347, s. 3.

If any disagreement shall arise between the commissioners, the governor is authorized to appoint arbitrators to act with similar officers to be appointed by the other states in the settlement of the exact boundary.

Sec. 2292. Governor to report serious disagreement of arbitrators to general assembly. 1881, c. 347, s. 4.

In case of any serious disagreement and inability on the part of the said arbitrators to agree upon said boundary, such fact shall be reported by the governor to the next general assembly for their action.

Sec. 2293. Survey to be communicated by governor to the general assembly; no force until adopted by general assembly. 1881, c. 347, s. 5.

When the commissioners shall have completed the survey as provided for in this chapter, they shall report the same to the governor, who shall communicate the same to the next general assembly for their action, and said survey shall be of no force until the same has been adopted and approved by the general assembly.

CHAPTER SEVEN.

BUILDING AND LOAN ASSOCIATIONS.

SECTION.	SECTION.
2294. Associations authorized; deposit with clerk of superior court copy of articles and pay tax.	2298. New members to pay sum sufficient to put them on same footing with original members; may make additional class or classes.
2295. Alterations in articles to be certified and recorded.	2299. May make advances to members.
2296. Number of shares, &c.	2300. Loans secured by mortgage; proviso.
2297. May compel payment of dues.	

Sec. 2294. Associations authorized; deposit with clerk of superior court copy of articles and pay tax. 1869-'70, c. 129, s. 1.

It shall be lawful for any individuals or persons in any city or county in this state, under any name by them to be assumed, to associate for the purpose of organizing and establishing homestead and building associations, and being so associated shall, on complying with this chapter, be a body politic and corporate, and as such shall be capable in law to hold and dispose of property, both real and personal, may have and use a common seal, may choose a presiding and other officers, may enact by-laws for the regulation of the affairs of such corporation, and compel the due observance of the same by fines and penalties, may sue and be sued, plead and be impleaded, answer and be answered in any court in this state, and do all acts necessary for the well ordering and good government of the affairs of such corporation, and shall exercise all and singular the powers incident to bodies politic or corporate: *Provided*, that before any such corporation shall be entitled to the privileges of this chapter, they shall lodge with the clerk of the superior court of the county where such corporation is designed to act, a copy of the articles of association of such corporation, signed by at least seven members and certified by the secretary thereof, to be recorded in the office of such clerk, and shall pay a tax of twenty-five dollars to said clerk, which tax shall be paid over by the clerk to the

treasurer of the county, to the use of the school fund of the county.

Smith v. B. & L. Asso., 73—372; Buie v. B. & L. Asso., 74—117; Mills v. B. & L. Asso., 75—292; Hanner v. B. & L. Asso., 78—188; Overby v. B. & L. Asso., 81—56; Haskins v. B. & L. Asso., 84—838.

Sec. 2295. Alterations in articles to be certified and recorded. 1869-'70, c. 129, s. 2.

Any addition, alteration or amendment of, the articles of association of any such corporation shall be signed, certified and recorded as is provided in the preceding section of this chapter.

Sec. 2296. Number of shares, &c. 1869-'70, c. 129, s. 3.

Any corporation created under and by virtue of this chapter, shall have power to declare in their articles of association the number of shares of which the capital stock of such corporation shall consist, the par value of the same, to limit the number which each stockholder may be allowed to hold, to prescribe the entrance fee to be paid by each stockholder at the time of subscribing, to regulate the instalments to be paid on each share, and the times at which the same shall be paid and payable.

Sec. 2297. May compel payment of dues. 1869-'70, c. 129, s. 4.

Any such corporation shall have power to issue to each member of such corporation a certificate of the shares of stock held by him, and to enforce the payment of all instalments and other dues due to said corporation from the members or stockholders by such fines and forfeitures as the corporation may, from time to time, provide in the by-laws or articles of association of such corporation.

Sec. 2298. New members to pay sum sufficient to put them on same footing with original members; may make additional class or classes. 1869-'70, c. 129, s. 5. 1874-'5, c. 78.

Any person applying for membership or stock in any such corporation after the end of a month from the date of its incorporation, may be required to pay, on subscribing, such sums or assessments as may from time to time be fixed, and assessed in manner as may be provided by said corporation, in order to place such new member or stockholder on like footing with the original members and others holding stock at the time of such application: *Provided*, that any association that has been or may be

organized under this chapter shall be authorized and empowered to establish one or more additional class or classes of shares, under such rules, regulations and restrictions for issuing, paying and redeeming the same as to them shall appear expedient and proper, not inconsistent with this chapter, or laws of the state.

Sec. 2299. May make advances to members. 1869-'70, c. 129, s. 6. 1881, c. 365.

It shall be lawful for any such corporation at any time in advance of the time at which such corporation shall cease to exist, according to the plan contained in the articles of association thereof, to advance to any member thereof for such premium as may be agreed upon, the sum which he would be entitled to receive upon the dissolution thereof, for any number of shares therein held by him, or to purchase from any member the share or shares of stock held by him at such price or sum as, according to the articles of association, such member may agree to receive, and on payment of said sum of money, to receive from such member security as is hereinafter mentioned for the payment by such members to said corporation of the unpaid instalments, to be paid on the share or shares of stock so sold or redeemed, together with interest at the rate of eight per cent. per annum, on the sum of money so paid or advanced to such member at such times, and under and subject to such fines and penalties for non-payment thereof as may be prescribed by the articles of association of such corporation.

Sec. 2300. Loans secured by mortgage; proviso. 1869-'70, c. 129, s. 70. 1870-'1, c. 156.

The payment of the unpaid instalments on the share or shares so purchased or redeemed, with interest upon the sum of money paid therefor as aforesaid, at the rate heretofore mentioned, and all fines and penalties incurred in respect thereof by any such member, shall be secured to such corporation by way of mortgage on real or leasehold property, or by hypothecation of stock of such corporation held by such member as may be provided in the articles of association of any such corporation: *Provided*, in case of hypothecation of stock, no greater sum of money shall at any time be drawn out by any member than shall have already been paid in by him on all his shares at the time of such hypothecation.

CHAPTER EIGHT.

CAPITOL, BUILDINGS AND GROUNDS.

SECTION.	SECTION.
2301. Keeper of capitol appointed by board of public buildings; his powers and duties; board consists of whom.	2309. Amount to be used in caring for grounds.
2302. Keeper of capitol to have charge of arsenal; compensation therefor fifty dollars per annum.	2310. Accounts to be sworn to before secretary of state, and certified by him.
2303. Board to take charge of public buildings, &c.; duty of keeper under board; shall be paid by the treasurer.	2311. Accounts for wood, coal and fuel to be sworn to before secretary of state, and certified by him.
2304. Rooms of capitol not to be used as sleeping apartments.	2312. Keeper of capitol supervisor of public lots.
2305. Rooms assigned to different officers.	2313. Penalties for trespassing on public lots.
2306. Keeper to give bond.	2314. Moore and Nash squares to be ornamented, and vacant lots to be improved.
2307. Disorderly conduct in capitol prohibited; penalty.	2315. Free access to lots and squares allowed.
2308. Penalties against infants paid by parents or guardians.	2316. Keeper of capitol under direction of board; to keep walks, &c., in repair.

Sec. 2301. Keeper of capitol appointed by board of public buildings; his powers and duties; board consists of whom. 1870-'1, c. 8. 1870-'1, c. 175, s. 1. 1880, c. 61, s. 1.

The board of public buildings shall appoint a keeper of the capitol, public grounds and arsenal, who shall hold his place until his successor is appointed, and files his bond, as required in this chapter. The keeper of the capitol shall perform all the duties and have all the rights as hereinafter prescribed; as to the manner of performing his duties he shall be under the general directions of a board, known as the board of public buildings, consisting of the governor, secretary of state, treasurer and attorney general; but he shall have the absolute right to appoint and control all lawful subordinates, such as watchman of the capitol, workmen on the grounds, and servants about the capitol and its appurtenances, ex-

cept the servant and messenger waiting and attending upon the supreme court.

Sec. 2302. Keeper of capitol to have charge of arsenal; compensation therefor fifty dollars per annum. 1870-'1, c. 175, s. 3.

The keeper of the capitol shall also have charge of the arsenal located in the capitol square, under the superintendence of the adjutant general, and shall receive fifty dollars per annum for the performance of his duties in that particular; and the separate office of keeper of the arsenal is hereby abolished.

Sec. 2303. Board to take charge of public buildings, &c.; duty to keeper under board; shall be paid by the treasurer. R. C., c. 103, s. 3.

The board shall take charge of and keep in repair the public buildings of the state in the city of Raleigh; shall, from time to time, as the same may be needed, procure, furnish, and keep in repair for the halls of the senate and house of representatives and the public offices of the capitol, all necessary furniture, and the keeper shall take care of the furniture, sweep and cleanse off cobwebs and dust from all the unoccupied parts of the buildings; keep the keys of the several doors not occupied as offices, and conduct visitors through the capitol, whenever requested to do so; shall, under the direction of the board, trim or remove trees standing in the public square, and remove the leaves and other rubbish as often as may be necessary; and shall perform any other duty required by this chapter, of which he is capable, whenever especially ordered by the board to do so. For which services the keeper shall receive a reasonable and just price; which, as well as all other expenditures allowed by this chapter, shall be paid by the treasurer, on a certificate by the board, of the work done and the price allowed for it. The board at all times are required to use such means as may secure the capitol from fire.

Sec. 2304. Rooms of capitol not to be used as sleeping apartments. R. C., c. 103, s. 4.

The rooms in the capitol shall not be used as sleeping apartments, and no beds shall be kept in any room save only that used by the keeper; and he shall remove all beds and sleeping couches which may be introduced by any person into any of the rooms; and shall take charge of and keep all the keys of the rooms, except only such

as are used by the heads of the departments; and of them for such time as they are not so used.

Sec. 2305. Rooms assigned to different officers. R. C., c. 103, s. 5.

The rooms of the capitol, other than the senate chamber and house of representatives, shall be appropriated as follows: The two west rooms of the southern division of the capitol shall be appropriated to the executive; the two east rooms in the southern division shall be appropriated to the state treasurer; the two east rooms in the northern division shall be appropriated to the supreme court, and the two rooms opposite to the secretary of state and the auditor; the upper room in the east wing to the state library; and the room number three, in the west wing, shall be appropriated and set apart as a room for the superintendent of public instruction.

Sec. 2306. Keeper to give bond. R. C., c. 103, s. 6.

Before entering upon the duties of his office, the keeper of the capitol shall execute a bond, with good security, in the sum of two hundred and fifty dollars, payable to the state of North Carolina, and conditioned for the faithful discharge of his duties: the bond shall be deposited in the office of secretary of state, and be renewed every two years under the care of the board; and shall be put in suit whenever in their judgment the conditions thereof, or any of them, may have been broken; and the same shall not be discharged until the whole penalty is exhausted in damages.

Sec. 2307. Disorderly conduct in capitol prohibited; penalty. R. C., c. 103, s. 7.

All rude and riotous noises and disorderly conduct in the capitol are forbidden, under a penalty of five dollars; and any person who shall write or scribble on the walls of the capitol, or mark, deface, or besmear them, or who shall do or commit any nuisance in the capitol building or any part thereof or near thereto, shall pay a like penalty, to be recovered for the use of the state, before any justice of the peace for Wake county; and the said keeper shall arrest such as are guilty of violating this section and carry them immediately before said justice, and prosecute the offender for the penalty.

Sec. 2308. Penalties against infants paid by parents or guardians. R. C., c. 103, s. 8.

If such offence be committed by an infant under

the age of twenty-one years, his guardian or parent shall also be liable to the penalty prescribed by this chapter, to be recovered as above directed.

Sec. 2309. Amount to be used in caring for grounds. 1870-'1, c. 80, s. 1.

A sum not exceeding six hundred dollars shall be set apart annually, out of any money in the treasury not otherwise appropriated, which may be used in caring for the capitol square and public grounds in the city of Raleigh.

Sec. 2310. Accounts to be sworn to before secretary of state, and certified by him. 1870-'1, c. 80, s. 2.

No account for work or labor done on the capitol square or public grounds in the city of Raleigh, or in the senate chamber, or house of representatives, or in any room or office in the capitol, or in any building connected with the square or grounds aforesaid, shall be audited or paid until the same is sworn to before the secretary of state, to be just and true, and so certified by that officer. Nor shall the secretary of state certify the account of any laborer for work done or services rendered in any of said buildings or on any of said grounds, unless it be made to appear that said laborer or employee has been employed by the keeper of the capitol.

Sec. 2311. Accounts for wood, coal and fuel to be sworn to before secretary of state and certified by him. 1870-'71, c. 80, s. 3.

No account for wood, or fuel or for coal shall be audited or paid until the claimant make oath as above, that the account is just and true, and that the number of cords of wood, or tons of coal, charged for, have been delivered within the enclosure of the capitol square.

Sec. 2312. Keeper of capitol supervisor of public lots. 1870-'1, c. 282, s. 3.

The keeper of the capitol is appointed supervisor of all the other public lots belonging to the state in the city of Raleigh, except such as may be occupied by the institution for the deaf and dumb, and the public schools, and he is authorized to lease such lots or such part thereof as it may be proper to lease, and upon such terms as may be reasonable and proper, for the period of twelve months; and he is required to turn over the proceeds of such rent-

ing to the governor whenever the same may be demanded, after retaining for his services ten per cent. thereof.

Sec. 2313. Penalties for trespassing on public lots. 1870-'1, c. 282, s. 4.

If any person or persons shall wilfully trespass upon any of the public lots aforesaid, or shall cut any timber or commit any waste, or shall refuse to surrender possession after the expiration of their leases, or if any person or persons now in possession of any of said lots above mentioned shall refuse to leave the same and shall further refuse to surrender possession within ten days after demand made by the keeper of the capitol, said person or persons shall be guilty of a misdemeanor; and it shall be the duty of said keeper of the capitol to report all such violations of law to the governor or to the attorney general, and if any of the said persons shall be convicted they shall be fined or imprisoned at the discretion of the court.

Sec. 2314. Moore and Nash squares to be ornamented, and vacant lots to be improved. 1871-'2, c. 205, s. 1.

The board of aldermen of the city of Raleigh shall have power to grade, lay out in walks, plant with trees, shrubbery and flowers, and otherwise adorn Moore square and Nash square in said city, so as to make the same an ornament to the city, and to that end they shall have the general charge and management of said squares. They may improve in like manner any of the vacant lots belonging to the state within the city limits not otherwise specially appropriated.

Sec. 2315. Free access to lots and squares allowed. 1871-'2, c. 205, s. 2.

Nothing in this chapter shall be construed to authorize said aldermen to prevent the free access of well behaved persons to said squares and lots except at unreasonable hours or for some temporary purpose specially to be designated by the board.

Sec. 2316. Keeper of capitol under direction of board; to keep walks, &c., in repair. 1881, c. 325, ss. 1, 2.

Whenever the walks in and immediately around the capitol square become so worn by action of the weather or other causes, that in the judgment of the board of public buildings they should be repaired, the said board is authorized to direct the keeper of the capitol to contract

for suitable material for such repairs; but the work shall be done by convict labor as far as the same can be used; and the auditor shall audit the accounts for said material and labor on the approval of the board of public buildings and the keeper of the capitol.

CHAPTER NINE.

CATTLE AND OTHER LIVE STOCK.

SECTION.	SECTION.
2317. Owner of stock to have a brand or mark; to be recorded.	to grant certificate without affidavit.
2318. Penalty for killing in the woods and not showing head, ears and hide in two days.	2322. Persons allowing distempered cattle to go at large to be guilty of misdemeanor, &c.
2319. Cattle not to be driven into this state from other states between the first of April and the last of November; penalty, five dollars; non-residents within five miles of, or owning land in the state exempt from penalty, when; proviso.	2323. When subject to damage only.
2320. Cattle not to be driven from certain places into the highlands, when.	2324. When not subject to penalty.
2321. When driven from one part of the state through another, must be certified to be healthy, &c.; misdemeanor for justice	2325. Stone-horses and stone-mules two years old not to go at large; penalty, twenty dollars.
	2326. What shall be evidence of negligence.
	2327. Live stock killed or injured upon railroads in certain counties a misdemeanor; who liable to indictment; proviso.
	2328. Penalty on conviction.
	2329. Killing or injuring <i>prima facie</i> evidence of negligence.
	2330. Indictment not to be until party damaged has proposed a reference.

Sec. 2317. Owner of stock to have a brand or mark; to be recorded. R. C., c. 17, s. 1.

Every person who hath any horses, cattle, hogs or sheep, shall have an ear-mark or brand different from the ear-mark or brand of all other persons, which he shall record with the clerk of the board of commissioners of the county where his horses, cattle, hogs or sheep are; and he shall brand all horses eighteen months old and up-

wards with the said brand, and ear-mark all his hogs and sheep six months old and upwards with the said ear-mark; and ear-mark or brand all his cattle twelve months old and upwards; and if any dispute shall arise about any ear-mark or brand, the same shall be decided by the record thereof.

State v. King, 84-737.

Sec. 2318. Penalty for killing in the woods and not showing head, ears and hide in two days. R. C., c. 17, s. 2.

If any person shall kill any neat cattle, sheep, or hogs in the woods, he shall, within two days, show the hide and ears of such hog or sheep, and the hide, with the ears on, of such neat beast or cattle, to the next justice of the peace, or to two substantial freeholders, under penalty of ten dollars, to any person who will sue for the same.

Sec. 2319. Cattle not to be driven into this state from other states between first of April and the last of November; penalty, five dollars; non-residents within five miles of, or owning land in the state exempt from penalty, when; proviso. R. C., c. 17, s. 3. 1879, c. 95. 1881, c. 333. 1883, c. 355, ss. 1, 2.

If any person who shall be a resident citizen of another state or one of the territories, shall drive or cause to be driven into any county in this state, any horses, mules, hogs, cattle, or sheep, between the first day of April and the last day of November, and suffer them to run at large in any marsh or forest range in this state, he shall forfeit 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 is not to be found, one-half to the party suing for the same, the other half to the school fund of the county. *Provided*, this section shall not apply to any non-resident, who for the time being may own in said county any estate in land for one year, or other higher estate, unless such non-resident shall bring into the range more than twenty head of any of said beasts, for every two hundred acres of land owned by him in manner aforesaid, in said county: *Provided further*, this section shall not apply to any person or persons driving oxen to and from market from the fifteenth of October to the first of March, or to imported cattle shipped for breeding purposes at any time: *Provided further*, this section shall not apply to any person

or persons in the counties of Caldwell, Wilkes, Surry, Yadkin and Alexander, owning lands west of the Blue Ridge: *Provided also*, this section shall not apply to persons driving cattle to Watauga county to pasture for hire.

Sec. 2320. Cattle not to be driven from certain places into the highlands, when. R. C., c. 17, s. 4.

No person shall drive any cattle from those parts of this or any other state, where the soil is sandy and the natural production or growth of timber is the long-leaved pine, into or through any of the highland parts of the state where the soil or growth of timber is of a different kind, between the first day of April and the first day of November, under the penalty of four dollars for each head of cattle so driven, to be recovered as provided in the preceding section.

Sec. 2321. When driven from one part of the state through another, must be certified to be healthy, &c.; misdemeanor for justice to grant certificate without affidavit. R. C., c. 17, s. 5.

No person shall drive any cattle from any part of the state through any other part thereof, without first obtaining and carrying with him a certificate under the hands and seals of two justices of the peace of the county where such cattle were severally purchased or collected from the range, accompanied with an affidavit of the owner setting forth the place where said cattle were purchased, or had ranged as aforesaid, and describing therein the nature of the soil and growth of timber on such place; and also that said cattle were, at the time of purchase or removal, sound and free from any infectious distemper. And if any justice shall grant such certificate without such affidavit of the owner, it shall be a misdemeanor in office.

Sec. 2322. Persons allowing distempered cattle to go at large to be guilty of misdemeanor, &c. 1868-'9, c. 50, s. 1.

If any person shall drive or cause to be driven any cattle from any county in this state, or from any county or district in any other state into any county in this state, at any time between the first day of April and the first day of November, knowing such cattle to be distempered or otherwise infected, or shall permit any distempered cattle to roam at large and enter any uninfected district,

he shall be guilty of a misdemeanor, and be liable to an action for all damages which may arise from a violation of this section.

Sec. 2323. When subject to damage only. 1868-'9, c. 50, s. 2.

If any person shall drive or cause to be driven any cattle as aforesaid, not knowing them to be infected, and losses should be sustained by the spreading of distempers or infection from said cattle, he shall be subject to damages only.

Sec. 2324. When not subject to penalty. 1868-'9, c. 50, s. 3.

If any person complies with the requirements of section twenty-three hundred and twenty-one, without regard to growth or locality, said person shall not be subject to the above penalties.

Sec. 2325. Stone-horses and stone-mules two years old not to go at large; penalty, twenty dollars. R. C., c. 17, s. 6.

No person shall let go at large any stone-horse or stone-mule of two years old or upwards, upon penalty of forfeiting twenty dollars to the taker-up of any such stone-animal, provided the same be found running at large not within the confines of any fence, water, marsh, or swamp.

Sec. 2326. What shall be evidence of negligence. 1856-'7, c. 7.

When any cattle or other live-stock shall be killed or injured by the engines or cars running upon any railroad, it shall be *prima facie* evidence of negligence on the part of the company in any action for damages against said company: *Provided*, that no person shall be allowed the benefit of this section unless he shall bring his action within six months after his cause of action shall have accrued.

Battle v. R. R. Co., 66—343; Proctor v. R. R. Co., 72—579; Pippen v. R. R. Co., 75—54; Doggett v. R. R. Co., 78—305; Doggett v. R. R. Co., 81—459; Durham v. R. R. Co., 82—352; Parker v. R. R. Co., 86—221; State v. Roten, 86—701; Boing v. R. R. Co., 87—360.

Sec. 2327. Live stock killed or injured upon railroads in certain counties a misdemeanor; who liable to indictment, proviso. 1880, c. 13, s. 1.

When any cattle, horses, mules, sheep, or other live

stock shall be killed or injured by any car or engine running on any railroad in the counties of Columbus, New Hanover, Brunswick, Bladen, Robeson, Richmond, Anson, Union, Gaston, Lincoln, Cleveland and Burke, it shall be a misdemeanor, and the president, receiver and the superintendent of such road, and also the engineer and conductor in charge of the train or engine by which such killing or injury is done, may be indicted for such killing or injury: *Provided*, if the parties indictable under this section shall within six months after the killing as aforesaid of any stock mentioned in this section, and before any indictment is preferred or warrant issued, pay the owner of such stock as may be killed his charges for said stock, or in the event the charges are too high, or thought to be so, such sum or sums as may be assessed by three commissioners, one to be chosen by the party whose stock is killed or injured, a second by the party accused of killing the same, and the third by the two commissioners chosen as above indicated, who shall meet at some place in the county where the stock is killed or injured, to be selected by the parties interested, within thirty days after they are chosen and accepted, such payment shall be a bar to any prosecution under this section, and the decision of two of the said commissioners shall be final for the purposes of this section: *Provided further*, if any person or persons liable to indictment under this section shall within the time prescribed propose to the party endamaged to refer the matter of damages in the manner hereinbefore indicated to three commissioners, and the party endamaged shall refuse or decline such proposition, such refusal or declining shall be a bar to any prosecution under this section: *Provided also*, if the party endamaged shall at any time before the indictment is preferred, or warrant issued, directly or indirectly receive any sum in full compensation of his damages, such compensation shall be a bar to any prosecution under this section; and if any compensation be so received after indictment is preferred or warrant issued, or if after said time the party accused shall pay or tender to the owner of the stock killed the value of the same as decided by the commissioners, as above provided, in either case the prosecution shall go no further and the accused shall be charged only with accrued cost.

Sec. 2328. Penalty on conviction. 1880, c. 13, s. 2.

In any conviction under the preceding section, the

party found guilty shall be fined not exceeding the sum of fifty dollars, or imprisoned not exceeding thirty days.

Sec. 2329. Killing or injuring prima facie evidence of negligence. 1880, c. 13, s. 3.

When any cattle, horses, mules, sheep or other live stock shall be killed or injured by the engines or cars, running on any railroad in the aforementioned counties, and such killing is proved, it shall be *prima facie* evidence of negligence in any indictment under this chapter.

Sec. 2330. Indictment not to be until party damaged has proposed a reference. 1880, c. 13, s. 4.

The indictment provided for in this chapter against the officers of railroad companies, shall not lie until a proposition to refer the matter has been proposed by the party claiming that he has been damaged.

CHAPTER TEN.

CHARITIES, PUBLIC AND PRIVATE.

CHARITIES, PUBLIC.

SECTION.

- 2331. Board of charities elected by general assembly; terms; how vacancies to be filled.
- 2332. Meetings, duties and compensation.
- 2333. To make reports.
- 2334. Special attention to causes of insanity, idiocy, &c.
- 2335. Visits and reports may be required.
- 2336. Insane persons may be removed to asylum.

SECTION.

- 2337. May require reports from superintendent, &c.
- 2338. Report to general assembly biennially.
- 2339. County commissioners to report to board; board to furnish circulars, &c.
- 2340. County commissioners to require reports from justices of townships.
- 2341. Penalty for refusing.

CHARITIES, PRIVATE.

SECTION.

- 2342. Trustees of charities to return account of their trusts to clerk

SECTION.

- of superior court on first Monday in February of each year.

SECTION.

2343. Trustees mismanaging trusts, solicitor to institute action.

2344. Solicitor to sue at the suggestion of two citizens.

SECTION.

2345. Attorney general and solicitor allowed fees.

CHARITIES, PUBLIC.

Sec. 2331. Board of charities elected by general assembly; terms; how vacancies to be filled. 1868-'9, c. 170, s. 1.

The general assembly shall proceed by concurrent vote to select five electors who shall be styled "the board of public charities of the state of North Carolina." One of the persons so elected shall hold office for one year, one for two years, one for three years, one for four years and one for five years, the term to begin the first day of July, one thousand eight hundred and sixty-nine. Appointments to fill vacancies in this board, caused by resignations or removal from the state, death, or from any other cause, may be made for the residue of such term by the governor.

Sec. 2332. Meetings, duties and compensation. 1868-'9, c. 170, s. 2. 1870-'1, c. 106, s. 1.

The board of public charities shall hold regular meetings on the first Tuesday in January, April, July and October, and as often besides as they may deem needful. They shall make such rules and orders for the regulation of their own proceedings as they may deem proper; they shall investigate and supervise the whole system of the charitable and penal institutions of the state, and shall recommend such changes and additional provisions as they may deem needful for their economical and efficient administration: *Provided*, the said board shall be allowed their traveling expenses for attending one meeting.

Sec. 2333. To make reports. 1868-'9, c. 170, s. 3.

The general condition of the state as affected by crimes, vagrancy and pauperism, shall also come under the view of the board, and it shall be their duty to report to the general assembly when, in their judgment, it may become needful for the erection of the several reformatory institutions, whose organization is provided for in article eleven of the constitution.

Sec. 2334. Special attention to causes of insanity, idiocy, &c. 1868-'9, c. 170, s. 4.

The board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy and the deformity and infirmity of the physical organization. They shall, besides their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these departments, and thus be able to afford the general assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the state.

Sec. 2335. Visits and reports may be required. 1868-'9, c. 170, s. 5.

Personal visits may be required by the board of one or more of its members, or otherwise to make careful investigation into the condition of the several county jails and alms-houses, and the treatment of their unfortunate inmates, and report on these points, so that section six, article eleven of the constitution, may be enforced.

Sec. 2336. Insane persons may be removed to asylum. 1868-'9, c. 170, s. 6.

Whenever the board shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any alms-house or other place, whether such insane person is a public charge or otherwise, it shall be the duty of said board to cause such insane person to be conveyed to the asylum, there to receive the best medical attention. So also it shall be their care that all the unfortunate shall participate in the charities of the state.

Sec. 2337. May require reports from superintendent, &c. 1868-'9, c. 170, s. 7.

The board may require the superintendent, &c., of the several charitable and penal institutions of the state to report to them of any matter relating to its inmates, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics at their demand.

Sec. 2338. Report to general assembly biennially. 1868-'9, c. 170, s. 8. 1870-'1, c. 106.

The board of public charities shall biennially prepare

and submit to the general assembly a complete and full report of their doings during the preceding two years, showing the actual condition of all the state institutions under their control, with such suggestions as they may deem necessary and pertinent, which they shall print.

Sec. 2339. County commissioners to report to board; board to furnish circulars, &c. 1869-'70, c. 154, s. 1.

The board of commissioners of each county shall in each year on or before the first Monday in November, report to the board of public charities such information in regard to the number and condition of the inmates of their poor-house and prison, together with the number of out-door paupers, and the deaf, dumb, blind, idiotic and insane of their county not in asylum or alms-house, and such other information as may be desirable, to get a complete view of the number and condition of these classes of persons in the state. The board of public charities shall prepare and furnish to the board of commissioners of each county carefully arranged circulars indicating the information desired, the blank columns of which shall be correctly filled in the report.

Sec. 2340. County commissioners to require reports from justices of townships. 1869-'70, c. 154, s. 2.

It shall be lawful for the board of commissioners of each county in aid of this purpose to require the justices of the peace of each township in their county to prepare and furnish information to them of all the facts called for in the circular of the board of public charities.

Sec. 2341. Penalty for refusing. 1869-'70, c. 154, s. 3.

The board of commissioners of any county or the justices of the peace of any township who shall refuse or neglect to furnish the information required by this chapter when they have been provided with the necessary blank forms for paupers, shall, on complaint being made before any judge of the superior court, be fined a sum not exceeding one hundred dollars.

CHARITIES, PRIVATE.

Sec. 2342. Trustees of charities to return account of their trusts to clerk of superior court on first Monday in February of each year. R. C., c. 18, s. 1. 43 Eliz., c. 4.

When real or personal property may have been granted

by deed, will or otherwise, for such charitable purposes as are allowed by law, it shall be the duty of those, to whom are confided the management of the property and the execution of the trust, to deliver in writing a full and particular account thereof to the clerk of the superior court of the county where the charity is to take effect, on the first Monday in February in each year, to be filed among the records of the court, and spread upon the record of accounts.

Griffin v. Graham, 1 Hawks, 96; *Cameron v. Com'rs*, 1 Ired. Eq., 436; *State v. McGowen*, 2 Ired. Eq., 9; *State v. Gerard*, 2 Ired. Eq., 210; *Holland v. Peck*, 2 Ired. Eq., 255; *White v. University*, 4 Ired. Eq., 19; *Bridges v. Pleasants*, 4 Ired. Eq., 26; *Kirkpatrick v. Rogers*, 6 Ired. Eq., 130; *D. and D. Inst. v. Norwood*, Busb. Eq., 65.

Sec. 2343. Trustees mismanaging trusts, solicitor to institute action. R. C., c. 18, s. 2.

If the foregoing requisition be not complied with, or there be reason to believe that the property has been mismanaged through negligence or fraud, it shall be the duty of the clerk of the superior court to give notice thereof to the attorney general or solicitor, who represents the state in the superior court for that county; and it shall be his duty to bring an action in the name of the state against the grantees, executors, or trustees of the charitable fund, calling on them to render a full and minute account of their proceedings in relation to the administration of the fund and the execution of the trust.

Sec. 2344. Solicitor to sue at the suggestion of two citizens. R. C., c. 18, s. 3. 1832, c. 14, s. 3.

The attorney general or solicitor may also, at the suggestion of two reputable citizens, commence an action as aforesaid; and, in either case, the court may make such order and decree as shall seem best calculated to enforce the performance of the trust.

Sec. 2345. Attorney general and solicitor allowed fees. R. C., c. 18, s. 4. 1832, c. 14, s. 4.

The court may allow fees to the attorney general or solicitor for his services, to be paid by the trustees, the estate or the county, as shall be ordered by the court.

CHAPTER ELEVEN.

CHEROKEE LANDS.

- | SECTION. | SECTION. |
|---|---|
| 2346. Lands reserved to the Cherokee Indians. | 2365. Governor to appoint commissioners to sell the lands. |
| 2347. Penalty for entering, &c., Cherokee lands; such entries void, &c. | 2366. Occupants entitled to their crops. |
| 2348. All purchases of said lands to be void; penalty on persons purchasing, &c., the same. | 2367. Discount allowed on payments in advance. |
| 2349. No persons to hunt, range or drive stock on their lands; penalty. | 2368. Fine for disobedience; proviso. |
| 2350. The governor to appoint commissioners. | 2369. White men may extinguish Indians' right to lands. |
| 2351. Principal surveyor; his duties; deputy chain carrier, &c. | 2370. Penalty for buying, &c., from Indians, remitted. |
| 2352. Duty of surveyor in noting mines, &c.; three plots of the whole land to be made. | 2371. Governor to direct the sale of Cherokee lands. |
| 2353. Site for public buildings. | 2372. Commissioners to postpone sale if the lands do not command the proper prices. |
| 2354. So much of land only as will sell for fifty cents an acre to be laid out; and no part of the land to be subject to entry. | 2373. Commissioners to ascertain what lands are in dispute between Indians and persons claiming under the state. |
| 2355. Governor to give notice of sale, &c. | 2374. Month's notice of sale by advertisement. |
| 2356. Terms of sale. | 2375. If lands do not bring their value, sale to be postponed; commissioners to bid for the state in certain cases. |
| 2357. Minimum of price; sales postponed. | 2376. Governor to appoint two commissioners to meet and contract with said Indians. |
| 2358. When grants are to be issued. | 2377. To ascertain whether said Indians have sold their titles to individuals. |
| 2359. Bonds for purchases to be filed with treasurer. | 2378. Commissioners to report to the next general assembly. |
| 2360. Provisions for purchasers who may have lost their receipts. | 2379. Purchasers may transfer their rights. |
| 2361. Commissioners to make return to the comptroller, &c. | 2380. Contract ratified and confirmed; except as to the claim of Morris and others. |
| 2362. Temporary jurisdiction of the county. | 2381. Contract to be enrolled and |
| 2363. Discount of eight per cent. for prompt payment. | |
| 2364. Occupants may be ejected by the purchasers. | |

SECTION.	SECTION.
printed with the laws of the state.	2399. What surveyor shall note; maps required to be made.
2382. Commissioners to be appointed to carry the contract into effect.	2400. Governor to issue proclamation of sale, &c.
2383. Releases and conveyances to be taken from the parties.	2401. Governor shall appoint commissioners of sale, who, upon giving bond, shall proceed to sell, &c.
2384. Contract to be registered in Haywood county.	2402. Payments required of purchaser.
2385. Commissioners to report to the governor.	2403. Certificate and grant, how given.
2386. Governor to appoint commissioners, their duty.	2404. Commissioners to pay over moneys.
2387. Lands for sale, to be classed by the commissioners; sales to be postponed under certain circumstances.	2405. Commissioners shall deposit bonds with treasurer, &c.
2388. For the benefit of those already settled on said lands.	2406. Advance payments.
2389. Bidders who fail to comply with terms of sale within twenty-four hours to forfeit their bid, and the next highest bid to be received; proviso; commissioners empowered to sell lots in the town of Franklin.	2407. Purchaser may institute action of ejectment.
2390. Certificate of state treasurer may be received as evidence of payment.	2408. Section subject to jurisdiction of Macon.
2391. Secretary may issue a grant on affidavit of purchaser; proviso.	2409. No transfer allowed.
2392. Governor authorized to direct the sale, and to appoint a commissioner for that purpose.	2410. Cutting timber indictable.
2393. Lots in Franklin may be surveyed and sold.	2411. Eight lots to be sold by commissioners.
2394. Governor to convey certain lands to the justices of Haywood county court.	2412. Sale of reservations in Macon and of lands already surveyed; name of county site.
2395. Justices to dispose of said lands.	2413. An agent to be appointed and to reside in Macon or Cherokee; to receive money due from purchasers of lands.
2396. Governor shall appoint commissioners and surveyor.	2414. The state treasurer to place such bonds in his hands as he and the governor may think proper for collection.
2397. Site for public buildings to be fixed upon.	2415. State treasurer to take proper receipts from the agent for such bonds as he may deliver to him for collection.
2398. Lands to be laid off into districts and tracts; qualities and prices of lands, &c.	2416. Collections suspended.
	2417. Who shall not be entitled to the benefit of this chapter.
	2418. Not to prevent voluntary payments.
	2419. Treasurer to make out statement, &c.
	2420. Agent may require renewal.

SECTION.

2421. Agent to collect moneys, &c.
 2422. Commissioner to be appointed by the governor; duties.
 2423. Insolvents shall surrender the lands purchased and be released from their obligations.
 2424. Release, how proved; agent to certify.
 2425. How solvent bonds shall be paid; provisos.
 2426. Commissioner and agent to take oath.
 2427. Their pay.
 2428. Provisions extended to securities of insolvent purchasers.
 2429. Duty of agent.
 2430. Lands surrendered by insolvents to be sold under the valuation of board appointed by court and the governor.
 2431. Pre-emption right to first purchasers, and how bonds are payable.
 2432. If persons who surrendered do not comply, agent to sell or report to governor, who shall direct public sale.
 2433. Governor to advertise; duty of commissioners.
 2434. How agent to proceed when part of tract had been sold.
 2435. Pre-emption to extend to settlers only.
 2436. Of ejectionment.
 2437. Duty of commissioner, when original purchaser has not paid.
 2438. Secretary's duty; grant to issue to surety.
 2439. Grant not to issue until whole amount of bond is paid.
 2440. Agent to return statement.
 2441. Comptroller's duty.
 2442. Agent authorized to suspend further collection of debts due on Cherokee bonds, &c.
 2443. Copies of certain papers on file in the office of secretary of

SECTION.

- state, shall be evidence in certain cases.
 2444. Grant, evidence on which to issue.
 2445. Board of valuation of surrendered lands; governor to appoint.
 2446. Lowest valuation.
 2447. Board, when and where to meet; persons desiring the benefit, &c.
 2448. Oath.
 2449. Statement, comptroller to furnish.
 2450. Of bonds to be canceled; proviso.
 2451. No commissioner allowed to become a purchaser of, &c.
 2452. Commissioners to value land.
 2453. Commissioners to furnish occupants and agents with certificates, &c.
 2454. Pre-emption right on certain conditions.
 2455. Surveyed lands in Macon embraced.
 2456. Pre-emption to extend to settlers on vacant lands in Macon.
 2457. Fine for locating, &c., limited, &c.
 2458. Extends the pre-emption right to residents in Cherokee.
 2459. Certificates.
 2460. Advance payments.
 2461. Two occupants.
 2462. Time of privilege limited.
 2463. Taxes.
 2464. Office of entry taker established in Cherokee.
 2465. When, how and at what price lands may be entered.
 2466. Persons entering lands to file their bonds with the entry taker, &c.
 2467. What grants governor may sign.
 2468. Vacant lands in Macon and Haywood may be entered.

SECTION.	SECTION.
2469. Surveyor for Cherokee elected.	2477. Persons who have heretofore entered lands must file bonds; if not, others may enter the same lands; proviso.
2470. How surveyed lands to be sold.	2478. Cherokee lands subject to entry as other public lands.
2471. Agent for superintending the making of said road to appoint overseers; their powers and duties.	2479. Secretary of state to insert in body of grant, number of tract, or section of plot.
2472. Penalty for breaking through gates to avoid paying toll.	2480. Register of deeds to insert in body of grant, number of tract or section; proviso.
2473. Rights and privileges of occupants of state lands.	2481. Duty and fee of register of deeds.
2474. Duty of agent for collecting Cherokee bonds.	
2475. Amount agent must pay to the state treasurer.	
2476. How agent must collect said sum.	

Barnett v. Woods, 2 Jon. Eq., 198; Barnett v. Woods, 5 Jon. Eq., 428; Whitsett v. Forehand, 79—230; Rollins v. Cherokees, 87—229.

Sec. 2346. Lands reserved to the Cherokee Indians. R. S., vol. II, p. 188. Act 1783, s. 5.

The Cherokee Indians shall have and enjoy all that tract of land bounded as follows, to wit: Beginning on the Tennessee where the southern boundary of this state intersects the same nearest to the Chickamawga towns, thence up the middle of the Tennessee and Holstein to the middle of French Broad, thence up the middle of French Broad river (which lines are not to include any island or islands in the said river) to the mouth of Big Pidgeon river, thence up the same to the head thereof, thence along the dividing ridge between the waters of Pidgeon river and Tuckasejah river, to the southern boundary of this state; and the lands contained within the aforesaid bounds shall be reserved unto the said Cherokee Indians and their nation forever, anything herein to the contrary notwithstanding.

Sec. 2347. Penalty for entering, &c., Cherokee lands; such entries void, &c. 1783, s. 6.

No person shall enter and survey any lands within the bounds set apart for the said Cherokee Indians, under the penalty of fifty pounds specie for every such entry so made, to be recovered in any court of law in this state, by and to the use of any person who will sue for the same; and all such entries, and grants thereupon, if any should be made, shall be utterly void.

Sec. 2348. All purchases of said lands to be void; penalty on persons purchasing, &c., the same. 1783, s. 7.

No person, for any consideration whatever, shall purchase or buy, or take any gift or lease of any tract of land within the said bounds, of any Indian or Indians, but all such bargains, sales, gifts and leases shall be declared to be null and void; and the person so purchasing, buying, leasing or taking any gift of any land, of any Indian or Indians as aforesaid, shall moreover forfeit the sum of one hundred pounds specie for every hundred acres so purchased, bought, leased or taken as aforesaid, one-half to the use of the state, and the other half to him that will sue for the same, to be recovered in the manner as aforesaid.

Sec. 2349. No person to hunt, range or drive stock on their lands; penalty. 1783, s. 8. Act of 1819.

Whereas, the said Indians may receive injuries from people hunting, ranging or driving stocks of horses, cattle or hogs, on the lands hereby allotted them: For remedy whereof, it shall not be lawful for any person or persons whatsoever to hunt or range on the said lands, or to drive stocks of cattle, horses or hogs thereon, on pain of forfeiting the sum of fifty pounds specie for every such offence, together with such stock or stocks of horses, cattle or hogs, so driven; to be recovered by any person who shall sue for the same in the manner aforesaid.

Sec. 2350. The governor to appoint commissioners. R. S., vol. II, p. 189. 1819, s. 1.

As soon as may be convenient, after the passage of this section, the governor shall appoint two commissioners whose duty it shall be to superintend and direct the manner in which the lands lately acquired by treaty from the Cherokee Indians shall be surveyed and laid off into sections containing from fifty to three hundred acres of land: they shall further cause the principal surveyor to note down in each of the said sections the quality of the land contained therein, stating that it is of the first, second or third quality; and in all cases where it can be done with convenience, or the situation of the land will admit of it, such portion of the adjoining mountainous lands shall be included in each section as may be deemed sufficient for buildings, fences, fuel and other necessary improvements.

Sec. 2351. Principal surveyor: his duties; deputy chain carrier, &c. 1819, s. 2.

One principal surveyor of skill and integrity shall also be appointed by the governor, with full power and authority to appoint as many deputy surveyors, chain carriers and markers, and to employ as many pack-horses as may be thought necessary to complete the said survey in the most speedy and effectual manner; for whose conduct the said principal surveyor shall be responsible. And the principal surveyor shall give bond and security in the sum of ten thousand dollars, payable to the governor for the time being, for the faithful discharge of the several duties imposed by this section. It shall further be the duty of the said principal surveyor, under the directions of the commissioners aforesaid, to cause each section by him surveyed, to be measured and marked, and the corners to be clearly designated on trees, or otherwise, with the number of each section.

Sec. 2352. Duty of surveyor in noting mines, &c.; three plots of the whole land to be made. 1819, s. 3.

Each surveyor shall note in his field book the true situation of all mines, springs, mill seats, and water courses, over which the lines he runs shall pass, and those contiguous thereto: the said field book shall be returned to the commissioners, who shall cause their principal surveyor therefrom to make a description of the whole lands surveyed, in three connected plots, one of which when completed shall be transmitted to his excellency, the governor, one to the secretary's office, and the other lodged and recorded in the clerk's office of the county of Haywood.

Sec. 2353. Site for public buildings. 1819, s. 4.

It shall further be the duty of the said commissioners to ascertain and fix upon some central and eligible spot for the erection of the necessary public buildings, whenever that section of the state may be erected into a separate county, and four hundred acres surrounding the said site shall be reserved for the future disposition of the legislature.

Sec. 2354. So much of land only as will sell for fifty cents an acre to be laid out; and no part of the land to be subject to entry. 1819, s. 5.

No portion of said lands shall be surveyed and laid off into sections, except so much thereof as in the estimation

of said commissioners will sell for fifty cents per acre; and the residue of said lands shall be reserved for the future disposition of the legislature, and no part or portion thereof shall be liable to be entered in the entry-taker's books for the county of Haywood, or elsewhere, until provision be made by law for the disposal thereof; and entries heretofore made, or grants obtained, or which may hereafter be made, otherwise than as provided by this section, are hereby declared to be utterly void and of none effect.

Sec. 2355. Governor to give notice of sale, &c. 1819, s. 6.

The governor, on receipt of the plots and drafts heretofore provided for in this chapter, shall give notice by proclamation in all the newspapers published in the city of Raleigh, and in such other papers in the adjoining states of South Carolina, Georgia, Virginia and Tennessee, of the time and place of sale, as he may deem advisable, which in no case shall be less than two months from the date of the notice: the said lands shall be exposed at public sale to the highest bidder at Waynesville, in the county of Haywood, under the superintendence of the said commissioners; and the sale shall be kept open for the space of two weeks and no longer.

Sec. 2356. Terms of sale. 1819, s. 7.

The said commissioners shall require of each and every purchaser to pay down at the time of sale one-eighth part of the purchase money, and shall take bond and security for the payment of the balance in the following instalments, viz: The balance of one-fourth at the expiration of twelve months, one other fourth at the expiration of two years, one other fourth at the end of three years, and the remaining fourth at the end of four years; and in no instance shall a grant or grants issue to the purchasers, until the whole of the purchase money be paid in full; and in case of failure to pay the whole when due, and the money cannot be obtained by a judgment on their bond, then the land shall revert to the state, and be liable again to be sold for the use and benefit of the state.

Sec. 2357. Minimum of price; sales postponed. 1819, s. 8.

If, during the time of said sale, any section of land noted to be of the first quality, shall not command in the market the sum of four dollars per acre, the said com-

missioners shall postpone the sale of such section until further directed by the legislature; and in like manner lands of the second quality not commanding three dollars, and lands of the third quality not commanding two dollars, shall be postponed as aforesaid, and report thereof made to the governor.

Sec. 2358. When grants are to be issued. 1819, s. 10. R. S., vol. II, p. 207. 1831.

The said commissioners shall give to each purchaser a certificate describing the land by him purchased, with a plot of the lot and number of the section conformable to the plan returned to the secretary's office; upon the production of which and proof of the payment of the purchase money made to the secretary by the treasurer's receipt, it shall be the duty of said secretary to issue a grant to the purchaser for the said lot of land in the usual and common form. In all cases where certificates may have been lost or destroyed, it shall be the duty of the secretary (on receiving the affidavit of the purchaser, his heirs or assigns, taken before some justice of the peace for his county, setting forth the number of the section and district, and that the certificate of his purchase has been lost or destroyed) to make out a copy of the plot and field notes from the books in his office, and issue a grant in the usual way: *Provided*, no grant shall issue where the number of the section and district set forth in the affidavit does not agree with the books in the office, nor without a receipt or certificate from the state treasurer, setting forth the payment of the purchase money.

Sec. 2359. Bonds for purchases to be filed with treasurer. 1819, s. 12.

The bonds to be taken by the said commissioners for securing the balance of the purchase money, shall be by them lodged with the treasurer of the state, and they shall take from him duplicate receipts, one of which shall be filed with the comptroller, who shall thereupon raise an account with the obligors.

Sec. 2360. Provides for purchasers who may have lost their receipts. R. S., vol. II, p. 204. 1828.

Whenever any of the purchasers of the Cherokee lands shall have lost or mislaid the receipt or receipts that shall have been given by the treasurer, if it shall appear from the books of the treasurer's office that the whole amount

due from any purchaser has been paid, the treasurer shall make out a certificate of such payment, and upon the same being filed with the secretary of state together with other certificates, as prescribed by the preceding section, the secretary of state shall issue a grant to such purchaser, in the same manner as directed by said section.

Sec. 2361. Commissioners to make return to the comptroller, &c. 1819, s. 13.

The said commissioners shall render an account upon oath to the comptroller, of all moneys by them received from purchasers on the several days of sale, and pay the amount thereof into the treasurer's office, at as early a period as possible after the said sales are over.

Sec. 2362. Temporary jurisdiction of the county.

Until the said section of country is laid off into a separate and distinct county, it shall be subject to the jurisdiction of the county of Haywood, and shall form a part thereof.

Sec. 2363. Discount of eight per cent. for prompt payment. 1819, s. 16.

If any purchaser shall be disposed to pay the whole of the purchase money, or any particular instalment in advance, the treasurer or the commissioners are authorized to receive the same, and he shall be allowed a discount at the rate of eight per cent. per annum on such advancement.

Sec. 2364. Occupants may be ejected by the purchasers. 1819, s. 18. Act of 1820.

Each and every purchaser of any section or sections of said land, having obtained a certificate from the commissioners as heretofore provided in this chapter, his heirs and assigns, shall have full power and authority to institute an action of ejectment in the name of the state of North Carolina, against any person or persons, who may be in possession of such section of land, and shall, on application, refuse to deliver up quiet and peaceable possession thereof. And the certificate of the commissioners to such person shall be evidence of title and right to sustain said action, unless it shall appear to the court before whom such action is tried, that said purchaser has forfeited his right under said purchase as in this chapter provided: *Provided*, said purchaser shall give bond and security for the payment of all costs accruing in said action in case of his failure to recover.

Sec. 2365. Governor to appoint commissioners to sell the lands. R. S., vol. II, p. 192. 1820, s. 1.

The governor is hereby authorized and empowered, to direct the sale of so much of the lands lately acquired by treaty from the Cherokee Indians as have been surveyed and yet remain unsold, at such time and place as he may deem proper, under the direction and superintendence of two commissioners, to be by him appointed for that purpose, after having first advertised the same for one month in the public newspapers published at Raleigh, which sale shall be kept open for one week, and no longer.

Sec. 2366. Occupants entitled to their crops. 1820, s. 4.

The persons that have already settled on said lands, waiting for the sale thereof, shall be entitled to the benefit of the crops that they have planted previous to the sale above recited.

Sec. 2367. Discount allowed on payments in advance. 1820, s. 5.

If any purchaser shall be disposed to pay the whole of the purchase money, or any particular instalment, in advance, the treasurer or the commissioners are authorized to receive the same, and he shall be allowed a discount at the rate of eight per cent. on such advancement.

Sec. 2368. Fine for disobedience; proviso. R. S., vol. II, p. 193. 1820, s. 1.

From and after the first day of January, one thousand eight hundred and twenty-one, it shall not be lawful for any white man to buy, rent, lease or cultivate any of the lands reserved to the Cherokee Indians by the late treaties in eighteen hundred and seventeen, and eighteen hundred and nineteen, nor to act as agent, attorney or trustee, in buying, renting, leasing or cultivating such lands: and any person violating this section shall forfeit five hundred dollars, to be recovered in any court having cognizance of the same, the one-half to any person suing for the same, and the other half to the state: *Provided*, this section shall not extend or be so construed as to prevent Richard Walker, or the Big Bear, from managing the lands allotted to them as they may think proper.

Sec. 2369. White men may extinguish Indians' right to lands. R. S., vol. II, p. 193. 1821, s. 1.

Any white man who shall have purchased from this state, at the sales made by commissioners according to

law, lands reserved for certain Cherokee Indians, may purchase or extinguish the right of the Indians, to whom said lands were reserved, to the land so sold by the authority of this state; any thing in the above recited section to the contrary notwithstanding.

Section 2370. Penalty for buying, &c., from Indians, remitted. 1821, s. 2.

The penalty incurred by any persons, in buying, renting, leasing or cultivating lands from Indians, which lands such persons had previously purchased from this state, as hereinbefore mentioned, is hereby remitted and discharged.

Sec. 2371. Governor to direct the sale of Cherokee lands. 1821, s. 1.

The governor is hereby authorized to direct the sale of so much of the lands acquired from the Cherokee Indians as have been surveyed, and yet remain unsold, at such time and place as he may deem proper, under the direction of a commissioner to be by him appointed for that purpose, after having first advertised the same for at least one month in the papers of this city, in the Western Carolinian, of Salisbury, and in such other papers as he may think proper; which sale shall be kept open for two weeks, and no longer.

Sec. 2372. Commissioner to postpone sale if the lands do not command the proper prices. 1821, s. 4.

If, during the sale, any section of land noticed to be of the first quality shall not command in market the sum of three dollars, and in like manner lands of second quality not commanding two dollars, and lands of third quality not commanding one dollar and fifty cents, the commissioner shall postpone the sale of such lands until further directed by the legislature; and where the commissioner discovers that any section of land is likely to bring less than its value, either for the want of competition, or from a combination among the bidders, he shall bid off the same for the state.

Sec. 2373. Commissioner to ascertain what lands are in dispute between Indians and persons claiming under the state. 1821, s. 5.

The commissioner aforesaid shall ascertain what sections or pieces of lands are now in dispute between the Indians claiming under the treaties and the persons hold-

ing under the state, and report the same to the treasurer, who, upon this or any correct information, shall forbear to proceed in the collection of the bonds due from such persons until the controversy shall be decided by the proper tribunal; and, in the event the persons holding under the state are ejected by the Indians, then, upon due proof of that fact, the treasurer shall refund to such persons ejected whatever sums of money they may have paid to the state, with interest thereon from the time of such payments, and further deliver over to them the bonds held for the balance of the purchase money.

Sec. 2374. Month's notice of sale by advertisement. 1822, s. 1.

The governor is hereby authorized to direct the sale of so much of the lands lately acquired by treaty from the Cherokee Indians, as have been surveyed and remain unsold, at such time and place as he may deem proper, under the direction of a commissioner to be by him appointed for that purpose, after having advertised the same at least one month, in the papers of this city, the Western Carolinian, of Salisbury, and such other papers as he may think proper; which shall be kept open one week, and no longer.

Sec. 2375. If lands do not bring their value, sale to be postponed; commissioner to bid for the state in certain cases. 1822, s. 2.

If, during the sale, any section of land noticed to be of the first quality shall not command in the market the sum of three dollars, and in like manner, lands of the second quality not commanding the sum of two dollars, and lands of the third quality not commanding one dollar, the commissioner shall postpone the sale of such lands; and when the commissioner discovers that any section of land is likely to bring less than its value, either for want of competition, or from combination among the bidders, he shall bid off the same for the state.

Sec. 2376. Governor to appoint two commissioners to meet and contract with said Indians. R. S., vol. II, p. 193. 1823, s. 1.

Two commissioners shall be appointed by the governor, whose duty it shall be, at some time before the next session of the general assembly, to meet at some convenient place in the county of Haywood, and inquire into the titles of certain tracts of land claimed by individuals of

the Cherokee nation of Indians, under certain provisions made in the treaties concluded between the United States and the said nation, in the years one thousand eight hundred and seventeen, and one thousand eight hundred and nineteen; and said commissioners are hereby authorized to contract with any of the said Indians, or with any agent or agents duly authorized by them, for the purchase of the tract or tracts to which the said commissioners shall believe the said Indians, or any of them, shall have a good and valid title under the said treaties; such contract to be made subject to the further ratification of the general assembly.

Sec. 2377. To ascertain whether said Indians have sold their titles to individuals. 1823, s. 2.

It shall be the duty of the said commissioners to ascertain the fact, if practicable, whether the said Indians, or any of them, have sold their titles to individuals, and the names of those individuals, and report the same to the next general assembly.

Sec. 2378. Commissioners to report to the next general assembly. 1823, s. 3.

It shall be the duty of the said commissioners to report to the general assembly, at their next session, their proceedings under the foregoing section, and whether the said Indians will consent to sell the said lands; if so, an account of each contract they may enter into with the said Indians, and such contracts, when ratified by the general assembly, shall be binding on the state, and not otherwise.

Sec. 2379. Purchasers may transfer their rights. 1823, s. 3.

Any purchaser of any tract of said land, or the heirs of such purchaser, may assign and transfer his or her right under the certificate of his purchase, granted by the commissioners to such purchaser, by deed for good or valuable consideration; and such deed being proved or acknowledged and recorded, as other deeds of land are by law required to be proved or acknowledged and recorded, and such deed being filed in the office of the secretary of state, and a certificate from the treasurer of the state that the purchase money of said land has been paid to the state, it shall be lawful for the secretary of state to issue a grant for such land to the assignee aforesaid, ex-

pressing in such grant that the said grant is made to the said grantee, by virtue of the assignment from the original purchaser.

Sec. 2380. Contract ratified and confirmed; except as to the claim of Morris and others. R. S., vol. II, p. 198. 1824, s. 1.

The contract entered into between Benjamin Robinson and William Robards, commissioners for that purpose, appointed in conformity with the act of one thousand eight hundred and twenty-three, on the one part, and the following heads of Cherokee Indian families, to wit: Jack, Sharp-fellow, Jacob, Oo-lah-nottee, Johnson, Connaught, Bag, or Sap-Sucker, Club, Wha-ya-kah, or Grass Grower, Old Nanny, Eu-noch, or Trout by Skilkee, Amma-cher, or Water going under the Ground, Tau-neh, for self and heirs, John, Bear-going-in-the-hole, Too-naugh-he-all, Beaver-toter, John Quickly, Fence, Parch-corn-flour, Jenny, for self and heirs of Skekin, Ca-tee-hee, Yellow-bear, Sally Little-Deer, for self and heirs, Jenny, Wolf, W. Reid, John Ben, Thomas, Cul-sow-wee-hee, Old Mouse, Panther, Back-water, Yono-na-gis-kah, Eu-chelah, Tegen-tos-ah, Tom for self and Aquallah, widow and heir of Too-lah-notah, and Gideon F. Morris, on the other part; which contract was executed at Franklin, in the county of Haywood, on the twentieth day of August, one thousand eight hundred and twenty-four, witnessed by Humphrey Posey, Joshua Robards, Saul Smith and G. Stephens, is hereby ratified and confirmed, except as to the claim of Gideon F. Morris, Tau-neh, and the heirs of Ah leach, Jenny, and the heirs Skekin, Sally Little-Deer, and the heirs of Little-Deer, Aquallah and Torn, widow and heir of Too-lee-noo-tah, Parch-corn-flour, Jenny, Ca-tee-hee, Yellow-Bear, Cul-sow-wee-hee, Old Mouse and Panther, and as to whom the said contract and treaty is not ratified and confirmed.

Sec. 2381. Contract to be enrolled and printed with the laws of the state. 1824, s. 2.

The said contract shall be enrolled and printed with the laws of the state, and the secretary of state shall cause to be registered in a suitable book to be procured for that purpose, the certificates and surveys of the parties, together with the memorandum of evidence, and shall safely keep the originals, and all other papers relating to the contracts, amongst the records of his office.

Sec. 2382. Commissioners to be appointed to carry the contract into effect. 1824, s. 4.

Two commissioners shall be appointed by the governor, who, upon the governor's warrant, shall draw from the treasury the sum of nineteen thousand nine hundred and forty dollars, set apart for the purpose of carrying the aforesaid contract into effect, whose duty it shall be to proceed to the town of Franklin, in the county of Haywood; and on notification to the parties, to meet them at that place, between the twentieth day of April and the second day of May, one thousand eight hundred and twenty-five, they shall pay the said parties, respectively, the sums stipulated to be paid them by the said contract.

Sec. 2383. Releases and conveyances to be taken from the parties. 1824, s. 5.

The commissioners to be appointed as aforesaid, on the payment of the money, as in the preceding section provided, shall take a release from the parties against all suits, and take conveyances from the several persons as to whom the said contract is ratified, of all their title and claim to their said reservations within this state, in such form as shall be good and sufficient to convey the same, and cause the same to be proved and registered in the proper office of Haywood county; and after the same shall have been registered, they shall cause the same to be transmitted to the governor.

Sec. 2384. Contract to be registered in Haywood county. 1824, s. 6.

The said contract, after it shall have been enrolled, shall be delivered by the secretary of state to the commissioners, to be appointed as aforesaid, whose duty it shall be to carry the same into the county of Haywood, and cause the same to be proved and registered in the proper office of said county; and after the same shall have been registered, they shall cause the same to be returned to the governor.

Sec. 2385. Commissioners to report to the governor. 1824, s. 11.

The commissioner or commissioners, to be appointed as hereinbefore mentioned, shall report to the governor on or before the first day of November next, what he or they may have done in conformity to this chapter.

Sec. 2386. Governor to appoint commissioners; their duty. R. S., vol. II, p. 201. 1826, s. 1.

As soon as may be convenient after the passage of this act, the governor shall appoint one or two commissioners, as may be deemed necessary, whose duty it shall be to superintend and direct the manner in which all the said lands, which have not been heretofore surveyed, and which, in the estimation of the commissioner or commissioners, shall be worth fifty cents an acre, shall be surveyed and laid off into sections, containing from fifty to three hundred acres of land; he or they shall further cause the principal surveyor to note down, in each of the said sections, the quality of the land contained therein, stating that it is of the first, second or third quality; and, in all cases where it can be done with convenience, or the situation of the land will admit, such portion of the adjoining mountainous lands shall be included in each section as may be deemed sufficient for buildings, fences, fuel, and other necessary improvements: *Provided*, no reservation secured by treaty to any Indian shall be surveyed or sold.

Sec. 2387. Lands for sale, to be classed by the commissioners; sales to be postponed under certain circumstances. 1826, s. 4.

Previously to the sale, the commissioner or commissioners shall designate all the lands to be surveyed under the directions of this chapter, into three classes, according to quality: that which is of the first quality, to belong to the first class; the second quality, to the second class; and the third quality, to the third class; and if, during the time of the sale hereinafter provided for, any section of land noted to be of the first class; shall not command the sum of two dollars per acre in the market, the said commissioner or commissioners shall postpone the sale of such section until further directed by the legislature; in like manner lands of the second class, not commanding one dollar, and lands of the third class, not commanding fifty cents per acre, shall be postponed as aforesaid, and report thereof made to the governor.

Sec. 2388. For the benefit of those already settled on said lands. 1826, s. 7.

The persons already settled on said lands, waiting for the sale thereof, shall be entitled to the benefit of the crops, which they may have planted or sown, previously to the sale hereinbefore directed.

Sec. 2389. Bidders who fail to comply with terms of sale within twenty-four hours to forfeit their bid, and the next highest bid to be received; proviso; commissioners empowered to sell lots in the town of Franklin. 1826, ss. 8, 9.

If any person shall bid off lands at the sales, and shall not comply with the terms of such sale within twenty-four hours thereafter, if so required to do by the commissioner or commissioners, he, she, or they shall forfeit their bid, and the commissioner or commissioners may, in such case, receive the bid of the next highest bidder, in the same manner as if he had been the highest bidder: *Provided*, such bid is not below the minimum price of said land, and that the commissioner or commissioners may, in their discretion, sue for, and recover of the highest bidder, who has refused to comply with the terms of sale, the difference between his bid and the bid of the next highest, in case the commissioner or commissioners should receive the same. At the time of said sale, the commissioner or commissioners shall have power to sell lots numbers three, nine, thirteen and nineteen, in the town of Franklin, on the same terms of credit, and under the same rules and regulations herein prescribed for the sale of the aforesaid lands.

Sec. 2390. Certificate of state treasurer may be received as evidence of payment. R. S., vol. II, p. 205. 1829.

The certificate of the state treasurer, certifying that full payment has been made for any particular tract of land sold by the commissioners appointed to sell the lands aforesaid, describing the same by district and section, shall be taken by the secretary of state as evidence of payment; on which he is authorized to issue grants as by law he is now authorized to issue on the production of the treasurer's receipts.

Sec. 2391. Secretary shall issue a grant on affidavit of purchaser; proviso. R. S., vol. II, p. 207. 1831.

In all cases where certificates may have been lost or destroyed, it shall be the duty of the treasurer to remit all the interest which may have accrued on such bonds from their date until the first day of December, one thousand eight hundred and twenty-nine, or so much thereof as may be commensurate with the injury actually sustained: *Provided*, this section shall not extend to any person whose lands have not been materially and injuriously interfered with by such Indian reservations as have

been recognized as good and valid by Romulus M. Saunders and Humphrey Posey, as commissioners of the United States, and purchased by them as such.

Sec. 2392. Governor authorized to direct the sale, and to appoint a commissioner for that purpose. R. S., vol. II, p. 208. 1833, s. 1.

The governor is hereby authorized to direct the sale of so much of the lands lately acquired by treaty from the Cherokee Indians as have been surveyed and remain unsold, at such time and place as he may deem proper, under the direction of a commissioner to be by him appointed for that purpose, after having advertised the same at least three months in the public newspapers of this city, the Western Carolinian, of Salisbury, and such other papers as he may think proper; which sale shall be kept open one week, and no longer.

Sec. 2393. Lots in Franklin may be surveyed and sold. 1833, s. 4.

The governor is hereby authorized to cause twelve additional lots to be surveyed in the town of Franklin, out of the four hundred acres reserved to the state, which may, together with those already surveyed, be exposed to sale under like rules and regulations as is prescribed in the before recited sections: *Provided*, the said commissioner be authorized, if in his opinion the interest of the state require it, to purchase in the same for the state.

Sec. 2394. Governor to convey certain lands to the justices of Haywood county court. R. S., vol. II, p. 209. 1835, s. 1.

It shall be the duty of the governor of the state to convey to the justices of Haywood county court, in trust for the said county, any tracts of land commonly called Cherokee lands, remaining unsold within the limits of said county, whenever the said justices shall execute and deliver to the state treasurer bonds with securities, to be approved by him for such sum, as the said lands may be ascertained to come to at the prices prescribed by law as the minimum prices for lands of the quality, that the said tracts were apportioned to be by the commissioners, by whom the same were surveyed.

Sec. 2395. Justices to dispose of said lands. 1835, s. 3.

It shall and may be lawful for the justices of said court to dispose of lands mentioned in the preceding section,

for the use and benefit of Haywood county, under the direction of such commissioners, at such times and places and upon such terms as may be determined by said court, a majority of the justices being present.

Sec. 2396. Governor shall appoint commissioners and surveyor. R. S., vol. II, p. 209. 1836, s. 1.

As soon as may be convenient after the passage of this section, it shall be the duty of the governor to appoint two commissioners, whose duty it shall be to superintend and direct the manner in which the said lands shall be surveyed and laid off; and it shall be the further duty of the governor to appoint one principal surveyor, of skill and integrity, with full power and authority to appoint as many deputy surveyors, chain carriers and markers, and to employ as many pack-horses as may be necessary to complete the said surveying in the most speedy and effectual manner; and the said principal surveyor shall be responsible for the conduct of his said deputy surveyors in their official duty.

Sec. 2397. Site for public buildings to be fixed upon. 1836, s. 3.

It shall be the duty of the said commissioners and principal surveyor to ascertain and fix upon some central and eligible site for the erection of the public buildings, which may hereafter become necessary when that portion of the state may be erected into a separate and distinct county; and to lay off four hundred acres of land immediately surrounding the said site, and to be reserved for the future disposition of the legislature (except as herein provided). It is hereby the duty of the said commissioners and principal surveyor to lay out, within the said four hundred acres of land, one acre for the public square; and to lay off two streets, crossing each other at right angles, which streets shall be one hundred feet in width; and to lay off twenty-four lots, of one-half acre each, so that each lot may be one hundred and five feet fronting the street; and three fair plots of which shall be made by the surveyor; and by him returned to the commissioners, and by them deposited as hereinafter provided for the returns of maps of survey.

Sec. 2398. Lands to be laid off into districts and tracts; qualities and prices of lands, &c. 1836, s. 4.

It shall be the duty of the said principal surveyor, under the directions of the commissioners aforesaid, to cause

all the lands of this state, lately acquired by treaty from the Cherokee Indians, to be laid off into suitable districts for the convenience of surveying, and to number the said districts progressively; and to lay off and survey each district, or so much thereof as they may deem practicable, into tracts, containing from fifty to four hundred acres, and to be so laid out, where the same can be done, as that each tract may include a suitable and necessary portion of the timbered, mountainous or broken land as will be sufficient for building fences, for fuel and other necessary purposes: and the principal surveyor shall cause to be plainly marked on the beginning corner of each tract, and fronting said tract, the number of the district and tract, as the case may be; and shall cause all other corners to be plainly marked in the usual manner; and shall cause all lines by him run to be measured and plainly marked, where the same may be practicable; and shall lay down in his field book a fair plot of each and every tract by him surveyed, together with the district and number of the tract, as well as the quantity and quality: being first, second, third, fourth and fifth, as also a descriptive account of the lines and corners of each tract by him surveyed. And the said principal surveyor, under the directions of the commissioners shall cause to be surveyed so much of the said Cherokee lands as, in their opinion, will command the sum of twenty cents per acre; and the residue of said land shall remain subject to the disposition of a future legislature, and shall not be liable to be entered in the entry-taker's office of the county of Macon; and when hereafter exposed to public sale, lands of the first quality shall not be sold for a less sum than four dollars per acre; and lands of second quality, not less than two dollars per acre; and lands of the third quality, not less than one dollar per acre; and lands of the fourth quality, not less than fifty cents per acre; and lands of the fifth quality, not less than twenty cents per acre.

Sec. 2399. What surveyor shall note; maps required to be made. 1836, s. 5.

The surveyor shall note, in his field book, the true situation of all mines which may come to his knowledge, as also all mineral springs, mill seats and principal water courses, over which the line he runs may pass, and those contiguous thereto; and the said field books shall be delivered to the principal surveyor, whose duty it shall be therefrom to cause to be made three correct maps of the

whole lands by him surveyed; and shall insert the quality of each tract so laid down in his map; and the said maps, when so completed, shall be delivered to the commissioners, together with the field book of all such surveys, on or before the first day of November, one thousand eight hundred and thirty-seven, and shall be by the commissioners deposited in the following manner, to-wit: one map in the office of the county court clerk for the county of Macon; one other in the office of his excellency the governor; and the remaining one in the office of the secretary, together with the field books of all the surveys, made in pursuance of this chapter; and the said commissioners aforesaid, upon the receipt of the maps and field books, shall, within two months therefrom, file the same in the different offices as by this section directed.

Sec. 2400. Governor to issue proclamation of sale, &c. 1836, s. 6.

It shall be the duty of the governor, upon the return of the maps and field books as heretofore directed, to issue his proclamation, which he shall cause to be published in all the newspapers in the city of Raleigh, as also such other papers in the adjoining states of South Carolina, Georgia, Virginia and Tennessee, as he may deem necessary, of the time and place of sale of the said land; which notice shall be given at least four months previous to said sale; and the said sale shall be appointed and held in the town of Franklin, in the county of Macon, commencing on the first Monday of September, in the year of our Lord one thousand eight hundred and thirty-eight; and to continue from day to day, for the space of three weeks, and no longer.

Sec. 2401. Governor shall appoint commissioners of sale, who, upon giving bond, shall proceed to sell, &c. 1836, s. 7.

It shall be the further duty of the governor to appoint two other commissioners to superintend the said sales, who shall, before entering on the duties by this chapter required, give bond, with sufficient security, in the sum of fifty thousand dollars each, payable to the state of North Carolina, conditioned for the faithful discharge of their duty as commissioners of sale; and the said commissioners so appointed, and having given bond as heretofore required, shall proceed, at the time and place by this chapter directed, to expose to public sale to the highest bidder, commencing with the first district and first tract,

and so on progressively, until the whole shall be so offered for sale according to this chapter; and it shall be the duty of the said commissioners to sell by tracts; and having once offered for sale any tract, and the same cannot be sold for the minimum price, to postpone the sale: *Provided*, if, after any tract shall have been so postponed, any individual or individuals shall make known to the said commissioners, in writing, that he or they are willing to give the minimum price of any tract so postponed, then in that case, it shall be the duty of the commissioners to offer the same to public sale to the highest bidder a second time, first giving notice by the public crier by them employed for the land sales, at least one day previous thereto, setting forth the particular tract or tracts so intended to be offered, as also the day on which the same shall be so offered; and shall be conducted under the same rules and regulations as other sales by this chapter directed.

Sec. 2402. Payments required of purchaser. 1836, s. 8.

The said commissioners shall require of each and every purchaser to pay down, at the time of said purchase, one-eighth part of the purchase money; and shall take bond and security for the payment of the balance of the purchase money in the following manner, to wit: the balance of one-fourth at the expiration of one year from the date of the sale, and one other fourth at the expiration of two years, and one other fourth at the expiration of three years, and the remaining fourth at the end of four years; and in no instance shall a grant or grants issue to the purchaser until the whole of the purchase money shall be paid in full; and in case of failure to pay the whole when due, and the money cannot be obtained by judgment on their bonds, the lands so purchased shall revert to the state, and shall again be liable to be sold to any other person, for the use and benefit of the state.

Sec. 2403. Certificate and grant, how given. 1836, s. 9.

The commissioners shall give to each purchaser a certificate, describing the land by him or them purchased, with a plot of the lot and number of tract, conformable to the plan returned to the secretary's office; upon the production of which, and proof of the payment of the purchase money, made to the secretary, by the treasurer's receipt, it shall be the duty of said secretary to issue a grant to the purchaser, for the said lot or tract of land, in the usual and common form.

Sec. 2404. Commissioners to pay over moneys. 1836, s. 10.

The before mentioned commissioners of sale shall faithfully account for, upon oath, and pay over to the treasurer, all moneys by them received, in pursuance of the sale of said lands as heretofore provided.

Sec. 2405. Commissioners shall deposit bonds with treasurer, &c. 1836, s. 11.

The bonds taken by the commissioners, for securing the balance of the purchase money, shall be by them lodged with the treasurer of the state; and they shall take from him duplicate receipts, one of which shall be filed with the comptroller, who shall thereupon raise an account with the obligors, and shall render an account, on oath, to the comptroller, of all moneys by them received and paid over to the treasurer; which duties they shall perform at as early a day as may be after said sale.

Sec. 2406. Advance payments. 1836, s. 12.

If any purchaser shall be disposed to pay the whole of the purchase money, or any part thereof in advance, the commissioners are hereby authorized to receive the same, and to deduct at the rate of six per cent. per annum on such advancement.

Sec. 2407. Purchaser may institute action of ejectment. 1836, s. 15.

Each and every purchaser of any tract or tracts of said land, having obtained a certificate from the commissioners as heretofore provided, his heirs and assigns shall have full power and authority to institute an action of ejectment, in the name of the state of North Carolina, against any person or persons who may be in possession of such tract or tracts of land, and shall, on application, refuse to deliver up peaceable and quiet possession thereof; and the certificate of the commissioners to such person shall be evidence of title and right to sustain said action, unless it shall appear to the court before whom such action is tried, that said purchaser has forfeited his right under said purchase, as in this chapter provided: *Provided*, that the said purchaser shall give bond and security for the payment of all costs accruing in said action, in case of his failure to recover.

Sec. 2408. Section subject to jurisdiction of Macon. 1836, s. 16.

Until the said section of country is laid off into a sepa-

rate and distinct county, it shall be subject to the jurisdiction of the county of Macon, and form a part thereof.

Sec. 2409. No transfer allowed. 1836, s. 17.

No purchaser of lands under this chapter shall be at liberty to transfer his interest in said purchase, only subject to the lien of the security or securities for such part as they may be compelled to pay on their bonds as security; and said lien shall be good and valid in law as an indemnity to said security as aforesaid.

Sec. 2410. Cutting timber indictable. 1836, s. 18.

Any person cutting or removing timber from, or cultivating any portion of the four hundred acres of lands heretofore reserved by this chapter, for the future disposition of the legislature, will be indictable in the inferior and superior courts of said county, and shall be punishable by fine, at the discretion of the court before which the conviction takes place: *Provided*, all settlers on any other portion of public land and waiting for the sale thereof, shall be entitled to such crop as they may have growing at the time of the sale provided for by this chapter.

Sec. 2411. Eight lots to be sold by commissioners. 1836, s. 19.

The commissioners of sale heretofore appointed shall expose to public sale, to the highest bidder, eight lots heretofore provided to be laid out within the four hundred acres, in the following order: two lots adjoining the public square, and the other six lots in such order as that no two lots so sold shall be adjoining to each other; and the said sales shall be under the same rules and regulations, and the said commissioners shall make return and account for them as heretofore provided.

Sec. 2412. Sale of reservations in Macon and of lands already surveyed; name of county site. 1836, ss. 20, 21, 22.

It shall be the duty of the commissioners to be appointed by virtue of this chapter, to cause to be surveyed and offered for sale, all the reservations remaining undisposed of in the county of Macon, under the same rules and regulations that are provided for the surveying and selling the lands lately acquired by treaty from the Cherokee Indians. And it shall be the duty of the said commissioners of sale, to expose again to sale, all the lands

already surveyed and now remaining unsold in the county of Macon aforesaid. And the county site hereby directed to be laid out by the commissioners, shall be known by the name of Murphy.

Sec. 2413. An agent to be appointed and to reside in Macon or Cherokee; to receive money due from purchasers of lands. 1840-'1, c. 4, s. 1.

The governor of this state is authorized, after the first day of March, one thousand eight hundred and forty-one, to appoint an agent, who shall, after his appointment, reside in the county of Macon or Cherokee, whose duty it shall be to receive payment, from time to time, from all purchasers of Cherokee lands, of all or any part of the money due on their several bonds; to ascertain and report to the treasury department, once every three months, the condition of the debtors as solvent, doubtful or otherwise, and guard and protect the general interest of the state in connection with the said lands, whether sold or unsold.

Sec. 2414. The state treasurer to place such bonds in his hands as he and the governor may think proper for collection. 1840-'1, c. 4, s. 2.

The agent so appointed shall be authorized to receive from the state treasurer such of the bonds given for Cherokee lands, as the state treasurer, with the advice of the governor, shall deem proper, for which said agent shall execute to the treasurer his receipt: *Provided*, at no time shall the said agent hold in his hands bonds and moneys received thereupon, to an amount beyond the penalty of his bond; he shall take the bonds to the county of his residence, and there receive all such payments as may be voluntarily made, and institute suit in all cases, when he shall be directed to do so by the state treasurer, or when the interest of the state shall in the least seem to require.

Sec. 2415. State treasurer to take proper receipts from the agent for such bonds as he may deliver to him for collection. 1840-'1, c. 5, s. 1.

It shall be the duty of the treasurer whenever he shall deliver to the agent appointed by the act ratified thirtieth December, one thousand eight hundred and forty, any Cherokee bonds, to take from the said agent a memorandum or receipt, specifying the names of the obligors in said bonds, the amount for which they were given, and

the time when they become due, and also the payments made on them severally, and in the event of any of said bonds being lost or destroyed before they may be collected, a copy of the memorandum or receipt, certified to be accurate by the treasurer, whose handwriting may be proven by the oath of any person knowing it, shall be received as evidence in the same manner as the original bonds, and a recovery shall be had on them, without the production of said bonds, any law, custom or usage to the contrary notwithstanding: *Provided*, as preparatory to the introduction of such receipts as evidence in the cases above specified, the loss of the bonds shall be proved in the manner usual in other cases, when secondary evidence is offered in lieu of evidence of the first degree.

Sec. 2416. Collections suspended. 1842-'3, c. 56, s. 1.

The further collection of the principal moneys now due on the bonds executed to the state of North Carolina, by the purchasers of Cherokee lands, is hereby suspended for the term of two years, from and after the first day of January, one thousand eight hundred and forty-three: *Provided*, all persons claiming the benefit of this chapter shall be required to pay to the treasurer, or to the agent authorized by law to receive the same, on or before the first day of January, one thousand eight hundred and forty-four, all the interest that shall have accrued on their bonds up to that period, and shall thereafter pay annually the accruing interest until the first day of January, one thousand eight hundred and forty-five.

Sec. 2417. Who shall not be entitled to the benefit of this chapter. 1842-'3, c. 56, s. 2.

No person or persons shall be entitled to the benefit of this chapter until the said person or persons shall have made the payments hereinbefore required to be made; and all persons refusing or neglecting to make said payments, within twenty days after the expiration of the periods hereinbefore specified for making the same, shall be proceeded against by suit or suits, in the same manner and under the same rules, regulations and restrictions, as heretofore prescribed.

Sec. 2418. Not to prevent voluntary payments. 1842-'3, c. 56, s. 3.

Nothing in this chapter shall be so construed as to prevent persons coming within the purview of its provisions,

from paying the whole, or any portion of the respective amounts due on their bonds, at any time they may think proper.

Sec. 2419. Treasurer shall make out statement, &c. 1842-'3, c. 56, s. 3.

The treasurer of the state is authorized and directed to make out a fair statement of the amounts due upon each of the bonds respectively given by the purchasers of Cherokee lands, together with the names of the obligors, and the amount of interest that may be due on each bond separately, up to the first of January, one thousand eight hundred and forty-four, and forward the same to the agent for the collection of Cherokee bonds.

Sec. 2420. Agent may require renewal. 1842-'3, c. 56, s. 4.

Nothing in this chapter shall be so construed as to prevent the agent from requiring a renewal of the bonds whenever, in his opinion, the public interest shall require it, or from instituting suit on said bonds, in case of failure on the part of the principal obligor or obligors therein to give further and additional securities, when required to do so by the agent now authorized by law to demand the same.

Sec. 2421. Agent to collect moneys, &c. 1844-'5, c. 1, s. 1.

It shall be the duty of the agent or agents employed to collect moneys arising from the sale of Cherokee lands to transmit or deliver to the comptroller a duplicate statement of all said moneys which may hereafter be paid into the treasury by such agent or agents.

Sec. 2422. Commissioner to be appointed by the governor; duties. 1844-'5, c. 2, s. 1.

The governor shall appoint some discreet person a commissioner, who, with the agent appointed under the act passed at the session of the general assembly held on the third Monday of November, one thousand eight hundred and forty, entitled "an act authorizing the governor to appoint an agent in the county of Macon or Cherokee," shall constitute a board charged with the following duties; the board shall as soon as convenient carefully examine all bonds given by purchasers of Cherokee lands, and ascertain in which of said bonds the principals are solvent, and in which the principals are insolvent; and when this examination shall have been completed, they

shall make out duplicate lists of each class of bonds, setting out therein the names of the principals and sureties; the amount of said bonds; the payments if any made thereon; and the residue due upon the same, respectively; and shall certify under their hands that the said lists contain a true and faithful account of the matters stated therein; and shall transmit without delay one list of each class of bonds to the governor, and the said agent shall retain the other of said lists.

Sec. 2423. Insolvents shall surrender the lands purchased and be released from their obligations. 1844-'5, c. 2, s. 2.

The governor is hereby authorized to cancel or surrender up to be canceled all the bonds in which the principals shall be certified to be insolvent when their securities are purchasers, as aforesaid, upon the following conditions; that the purchasers respectively, their heirs, devisees or assigns, shall, within three months after such lists shall have been made out, surrender to the said agent, for the use of the state, possession of the land purchased, with all houses and other improvements which have now been or shall be made thereon at the time of such surrender; and that the purchasers, their heirs, devisees or assigns respectively shall deliver to the governor a written surrender or release of all right under such purchases, and of all claim to any money which may have been paid on account thereof; and if the said purchasers, their heirs, devisees or assigns shall fail, refuse, or neglect to surrender possession of the said lands, with all the improvements thereon, and deliver to the governor a written surrender or release of all right under such purchases, and of all claim to any money which may have been paid on account thereof, within the time prescribed in this section, then it shall be the duty of the governor to direct the collection of the bonds given by such purchasers, by causing suit to be brought thereon.

Sec. 2424. Release, how proved; agent to certify. 1844-'5, c. 2, s. 3.

In order to ascertain to the governor the performance by the parties respectively of the said precedent conditions, the said written release shall be proved or acknowledged before one of the judges: or, where the parties or witnesses reside beyond the state, shall be proved or acknowledged in the mode prescribed in the chapter entitled "Deeds and Conveyances;" and the said agent

shall certify to the governor that possession of the lands, with the improvements, has been surrendered to him as required by the preceding section, after which and not before the governor may cancel or deliver up to be canceled the said bonds respectively.

Sec. 2425. How solvent bonds shall be paid; provisos. 1844-'5, c. 2, s. 4.

On the bonds in which the principals shall be ascertained in manner aforesaid to be solvent, payment shall and may be received in the manner and at the times following, that is to say, one-twentieth part of principal and interest shall be paid on the first day of December, one thousand eight hundred and forty-five; and one-twentieth of the principal and interest due on said first day of December, one thousand eight hundred and forty five, together with all accruing interest thereon, shall be paid on the twenty-fifth day of December, in each and every year thereafter, until the payment of the whole shall be made: *Provided*, if the parties to any of said bonds shall fail to make the said payments, or any of them, at the time when the same shall respectively become due, the governor may direct the immediate collection by suit of the whole amount which may be due on such bonds at the time of such failure: *Provided further*, when by any report of said agent to the treasurer, which may be made under the first section of the before recited chapter, it shall appear that the debtors bound by such bonds, or any of them, are in doubtful circumstances, it shall be the duty of the governor to direct the immediate collection by suit of a full amount due on such bond or bonds; and the treasurer shall, immediately after receiving any report showing any such matters, communicate the same to the governor for his action thereupon.

Sec. 2426. Commissioner and agent to take oath. 1844-'5, c. 2, s. 5.

Before entering upon the duties prescribed by this chapter, the said agent and commissioner shall, before the governor, or one of the judges of the supreme court or superior courts, take and subscribe an oath faithfully and diligently, without favor, partiality or prejudice, to discharge all the said duties; and if the said oath shall be taken before a judge, the same shall be transmitted to the governor and kept by him.

Sec. 2427. Their pay. 1844-'5, c. 2, s. 6.

As a full compensation for the performance by them of the duties mentioned in the first section of chapter two, laws of one thousand eight hundred and forty-four and five, the said agent and commissioner shall each be entitled to receive two dollars for each day they shall be necessarily employed therein, to be allowed by the governor, upon the affidavits of the said agent and commissioner, verifying the number of days so employed, and, when allowed, to be paid out of the state treasury: *Provided*, neither the said agent nor commissioner shall receive, on account of such services, more than two hundred dollars.

Sec. 2428. Provisions extended to securities of insolvent purchasers. 1846-'7, c. 5, s. 1.

The provisions of the act of one thousand eight hundred and forty-four and five are extended to the securities of insolvent purchasers, whenever it is ascertained to the governor by the agent of the state, that the principals are so insolvent and have removed beyond the limits of the state, so that releases from them cannot be had, then, and in that case, whenever the said securities, as aforesaid, shall release in manner prescribed, for the principals in said act, the governor is hereby authorized to deliver up such bonds, to be cancelled in the same manner as if such releases were made by the principals, anything in that law to the contrary notwithstanding.

Sec. 2429. Duty of agent. 1846-'7, c. 13, s. 1.

It shall be the duty of the agent appointed to receive payment for Cherokee lands, to attend at the town of Murphy, in the county of Cherokee, on the first three days of each superior court for said county, for the purpose of receiving payments upon all bonds entrusted to his care by virtue of such agency.

Sec. 2430. Lands surrendered by insolvents to be sold under valuation of board appointed by court and the governor. 1846-'7, c. 14, s. 1.

All the lands surrendered by insolvents under the act of one thousand eight hundred and forty-four and five, shall be again sold, under the following rules and restrictions; the county court of Cherokee (a majority of justices of said county being present), shall appoint one discreet person, residing in Cherokee county, and the governor shall appoint two others, not residents of Cherokee county, who shall constitute a board of valuation, whose

duty it shall be to value the lands so surrendered to the state, at a fair cash valuation, in the following manner: first, at their present worth, including the improvements placed upon them by the former purchasers or their assigns; secondly, the worth of said lands when sold by the state in September, one thousand eight hundred and thirty-eight, including such improvements as were on them at that time; taking into consideration in both cases the locality of said lands, and the facilities the purchasers may have in transporting their produce to market; and the said board of valuation shall make out duplicate lists of each class of valuation, as soon as may be, one copy of each class of such lists to be filed in the clerk's office of the county court of Cherokee, and the other they shall transmit to the governor; and such copy filed in the clerk's office, as by this section directed, shall be kept by the clerk among the records of said court: *Provided*, in no case shall the board of valuation hereby authorized place a less valuation upon the aforesaid land than the rate fixed by the act of the assembly of one thousand eight hundred and thirty-six, for the respective classes.

Sec. 2431. Pre-emption right to first purchasers, and how bonds are payable. 1846-'7, c. 14, s. 2.

The first purchasers who have surrendered said lands, their heirs, devisees or assignees, respectively, shall have a pre-emption right to purchase the lands they, or either of them, have so surrendered, at the second valuation by the said board: *Provided*, the right of pre-emption aforesaid shall extend to no assignee, who may have become such since the surrender aforesaid; the said purchasers first paying one-fourth of the purchase money, and giving bond with two or more approved securities (each of whom shall be considered good in his individual capacity for the whole debt) to the agent of the state heretofore appointed under act passed at the session of the general assembly, held on the third Monday of November, one thousand eight hundred and forty, entitled "an act authorizing the governor to appoint an agent in the county of Macon or Cherokee;" and such bonds for the residue of the payment of the purchase money shall be made payable in four annual instalments, bearing interest from date; and upon such bonds, when due and unpaid, suit shall be brought as upon the other bonds given for Cherokee lands under the laws now in force concerning Cherokee bonds: *Provided further*, no

suit shall be instituted in any court of the state when the account due is within the jurisdiction of a justice of the peace; and in all such cases the agent is hereby required to warrant for the same before some justice of the peace: *Provided also*, in all cases where it may be necessary to bring a suit in court on any of the Cherokee bonds, the amount due and owing by the same parties (although the same may be on several bonds) shall be consolidated in one action

Sec. 2432. If persons who surrendered do not comply, agent to sell or report to governor, who shall direct public sale. 1846-'7, c. 14, s. 3.

If the person or persons who surrendered said lands, his, her or their heirs, devisees or assigns should fail to comply with the requirements of the preceding section within three months after the valuation of said board, then and in that case, the said agent for the state is authorized and required to sell and dispose of any tract or tracts so surrendered, to any person or persons desirous of purchasing the same, at the price of improved lands, upon such purchaser or purchasers first paying one-fourth of the purchase money and giving the necessary bonds as required in said section: *Provided*, if the agent of the state shall not be able to sell or dispose of the said lands at the price of improved lands, as herein provided, within six months from the expiration of the three months mentioned in this section, then it shall be his duty to report that fact to the governor, accompanied by a list of such lands so remaining unsold, and the governor, if he shall deem the same expedient, shall appoint one or two commissioners, as in his judgment may be necessary, to superintend the sale of the said lands, at public auction, who, before entering on the discharge of their duty, shall execute to the governor, for the use of the state, a bond with approved security, in the sum of ten thousand dollars each, conditioned for the faithful performance of their duty, and accounting for all moneys coming into their hands by virtue of their appointment as commissioners aforesaid.

Sec. 2433. Governor to advertise; duty of commissioners. 1846-'7, c. 14, s. 4.

In the event of a public sale being directed by the governor as aforesaid, it shall be his duty to advertise the same for at least six weeks in not less than three newspapers of this state, setting forth the time and place of

sale, which shall be held at the town of Murphy, in the county of Cherokee, and at such time as the governor may appoint; and he shall also set forth in said advertisement the terms and conditions of said sale, which shall be the same as those mentioned in the second section of the act of one thousand eight hundred and forty-six and seven, chapter fourteen, and the commissioners appointed as aforesaid shall make a full report of their proceedings, together with an account of the cash by them received, to the governor within two months from the close of said sales; and shall pay over at the same time to the state treasurer all sums of money by them received on account of said sales; for which services they shall be allowed such sum as the governor may deem just and reasonable, not exceeding three dollars per day for every day they may be engaged in traveling to the place and superintending the said sales, and making the necessary returns to the seat of government: *Provided*, the public sale hereby authorized shall not continue for a longer time than two weeks.

Sec. 2434. How agent to proceed when part of tract had been sold. 1846-'7, c. 14, s. 5.

Whenever it shall appear to said agent that a part of any tract of land surrendered under the act of one thousand eight hundred and forty-four had been previously sold by the purchaser from the state to any other person or persons, then it shall be the duty of the agent to have due regard to the interest of such sub-purchaser at the time of surrender, and to re-sell to each under this chapter according to the interest he or she may have had at the time of such surrender.

Sec. 2435. Pre-emption to extend to settlers only. 1846-'7, c. 14, s. 6.

The pre-emption right, granted by this chapter, shall not extend to any person or persons who are not actual settlers on the lands, or who do not desire to become permanent residents in said counties of Cherokee and Macon: *Provided*, nothing in this chapter shall interfere with any right which any person or persons may have acquired under any existing law of the state.

Sec. 2436. Of ejectionment. 1846-'7, c. 14, s. 7.

Each and every purchaser of any section or sections of said land, having obtained a certificate from the board constituted by this chapter, shall have full power and

authority to institute an action of ejectment in the name of the state of North Carolina, against any person who may be in possession of such section of land, and shall, on application, refuse to deliver up quiet and peaceable possession thereof, or who shall intrude upon said purchasers, after they enter into possession, or who may hold over after their tenancy shall have expired. And the certificate of the board, to such purchaser, or his assignee, shall be evidence of title and right to sustain such action: *Provided*, the said purchaser shall give bond and security for the payment of all costs accruing in said action, in case of his failure to recover.

Sec. 2437. Duty of commissioner, when original purchaser has not paid. 1848-'9, c. 48, s. 1.

In all cases where the original purchasers, or their surety or sureties, of Cherokee lands, have failed to pay for the same, it shall be the duty of the agent of the state for the collection of debts due for said Cherokee lands to receive payment from any assignee of said original purchaser, his heirs, devisee or assignee, for any tract so assigned; and to give said assignee, his heirs, devisee or assignee a receipt for the same, particularly specifying and describing the tract or parcel so assigned and paid for; and it shall be the duty of the secretary of state, upon presentation of said agent's receipt, to issue a grant for the tract or tracts of land, specified in the receipt, to the person or persons so paying for the same.

Sec. 2438. Secretary's duty; grant to issue to surety. 1848-'9, c. 48, s. 2.

Whenever, in any case, the purchase money for Cherokee lands has been paid by, or collected from, the sureties to the original purchaser, to the full amount of the bond or bonds given by them, it shall be the duty of the secretary of state, whenever the fact of such payment has been satisfactorily certified to him by said agent of the state, to issue a grant or grants for the lands so paid for, to the person paying for the same.

Sec. 2439. Grant not to issue until whole amount of bond is paid. 1848-'9, c. 48, s. 3.

Nothing in the two preceding sections shall authorize the agent to receipt for, or the secretary of state to issue grants for, any tract of land to the original purchaser, or to his surety, unless the whole amount of the bond in which the price of said tract is included, shall have been fully paid off and satisfied.

Sec. 2440. Agent to return statement. 1848-'9, c. 49, s. 1.

The Cherokee land agent shall, on or before the first day of May, one thousand eight hundred and forty-nine, return to the comptroller's office a full and complete statement of all the surrendered-lands, valued and resold under the act entitled "an act to provide for the sale of certain lands in Cherokee and Macon counties, which have been surrendered to the state," setting forth the names of the purchasers, the amount of each purchase, the amount paid, the amount due and when due. And in all cases where the bonds of the original purchasers have been canceled, he shall return a statement thereof to the comptroller, who shall credit the respective accounts of said purchasers with the amount of said bonds.

Sec. 2441. Comptroller's Dnty. 1848-'9, c. 49, s. 2.

Upon the return of the statement of the agent to the comptroller's office, showing the account of sales as aforesaid, the comptroller shall charge the obligors respectively in his books with the amount of each bond; and when payments are made thereon, either to the state treasurer or to the agent aforesaid, the comptroller, on being furnished with the evidence of such payment, shall enter the proper credit for the same.

Sec. 2442. Agent authorized to suspend further collection of debts due on Cherokee bonds, &c. 1848-'9, Resolution.

Jacob Siler, the agent of the state for collection of Cherokee bonds, is hereby instructed to suspend the further collection of debts due on Cherokee bonds, until the turnpike road authorized by the general assembly of one thousand eight hundred and forty-eight and nine, to be laid out and constructed from Salisbury west to the Georgia line, is laid off and the contracts let out: *Provided*, the same be properly secured.

Sec. 2443. Copies of certain papers on file in the office of secretary of state, shall be evidence in certain cases. 1850-'1, c. 22, s. 1.

The list made and transmitted to the governor, in pursuance of section one of an act ratified on January seventh, one thousand eight hundred and forty-five, entitled "an act more effectually to secure the debts due from Cherokee lands, and to facilitate the collection of the same by the commissioners appointed under the pro-

visions of said act," and all the reports and certificates made to the governor by Jacob Siler, the agent for the state, in pursuance of any statute relating to his office, or prescribing the duties thereof; and all deeds or written evidences of the surrender of Cherokee lands by the purchasers thereof, their heirs, devisees, assigns or sureties, executed in pursuance of the act aforesaid, or of "an act entitled an act to amend an act passed at the session of the general assembly, entitled 'an act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same,'" shall be held to be records; and any part of the list aforesaid, certified to be such by the secretary of state and countersigned by the governor, or a copy of any such deed or written evidence of surrender, report or certificate certified by the secretary of state, and countersigned by the governor in like manner, shall be received in evidence by all courts of the state, without further proof.

Sec. 2444. Grant, evidence on which to issue. 1850-'1, c. 23, s. 3.

Hereafter, the receipts of the agent of the state for the collection of Cherokee bonds, showing that full payment has been made for any tract of land in the counties of Haywood, Macon or Cherokee, together with the proper certificate of sale, transfer, deed or warrant and certificate of survey, shall be sufficient evidence on which the secretary of state may issue a grant to the purchaser or enterer of said tract of land.

Sec. 2445. Board of valuation of surrendered lands; governor to appoint. 1850-'1, c. 24.

By acts of the general assembly passed at the sessions of one thousand eight hundred and forty-four and five, and of one thousand eight hundred and forty-six and seven, all persons who purchased lands at the sale in the year one thousand eight hundred and thirty-eight, and who were unable to pay for them, were authorized to surrender said lands to the state; and whereas, a large number of tracts were surrendered under the provisions of said acts; and whereas, by the subsequent act of one thousand eight hundred and forty-six and seven, those lands were assessed by agents appointed under said act, and the purchasers were, upon giving new bonds with approved security, permitted to take up the land surrendered at the price fixed upon by the agents of the state; and whereas, it is but just and right that all pur-

chasers should have the same measure of relief extended to them; the governor of the state shall appoint three persons, non-residents of Cherokee county, who shall constitute a board of valuation, whose duty it shall be to value all the lands surrendered to the state and have not been taken up, also the lands of insolvent purchasers which have not been surrendered, as well as the lands of solvent purchasers (if desired to do so by such solvent purchasers) at a fair valuation: *Provided*, that no money shall be paid to any claimant on account of any loss or damage which he or they may have sustained previous to the passage of the act of one thousand eight hundred and fifty and fifty-one, chapter twenty-four.

Sec. 2446. Lowest valuation. 1850-'1, c. 24, s. 2.

In order to guard the interest of the state, the said board of commissioners shall have no power to reduce the price of any lands valued by them, below the valuation placed thereon by the commissioners appointed to superintend their survey under the act of one thousand eight hundred and thirty-six, under which act the first quality was valued at four dollars per acre, the second quality at two dollars per acre, and the third quality at one dollar per acre, the fourth quality at fifty cents per acre, and the fifth quality at twenty cents per acre: *Provided*, the said board of commissioners, in valuing the lands of solvent purchasers, under this act, shall have no power to reduce the price of any tract below one half of what it sold for in the year one thousand eight hundred and thirty-eight; and it shall be the duty of the board of valuation to make out duplicate lists of such valuation as soon as may be; one copy of which shall be filed in the office of the clerk of the county court of Cherokee, and the other they shall transmit to the governor of the state, to be filed in his office, and the same shall form a part of the records of said offices.

Sec. 2447. Board, when and where to meet; persons desiring the benefit, &c. 1850-'1, c. 24, s. 3.

The commissioners hereby authorized to be appointed shall, within sixty days after the acceptance of their appointment, meet at the town of Murphy, in the county of Cherokee, for the purpose of proceeding in the execution of their duties; the commissioners appointed by the county court of Cherokee county shall advertise for thirty days previously, at the court house and three other public places in said county, and also in both the news-

papers published at Asheville, the time and place of meeting of the said commissioners. And all persons desirous of taking the benefit of this chapter shall, within ten days next preceding the day appointed for the meeting of the commissioners aforesaid, apply either in person or by agent to the commissioner appointed by the county court of Cherokee county, whose duty it shall be to attend for that purpose, and render unto him a list containing the number of the tracts of land, the district in which they lie, and the number of the sections of all the lands they desire to be valued under this chapter. And the said commissioner shall enter the same in regular order, in a book prepared for that purpose, so that the board of valuation may, when they meet, proceed in the performance of their duty as herein required.

Sec. 2448. Oath. 1850-'1, c. 24, s. 4.

The commissioners aforesaid shall take and subscribe an oath, before some justice of the peace of Cherokee county, that they will, in accordance with this chapter, and to the best of their judgments, value the land aforesaid fairly and impartially as between the purchasers or those entitled to their privileges and the state, and that they will endeavor to do equal and impartial justice between the purchasers themselves; and the said board shall give to each of the purchasers, or the persons entitled to their privileges, whose lands they may value, a certificate setting forth the district and valuation of each tract valued by them as aforesaid.

Sec. 2449. Statement, comptroller to furnish. 1850-'1, c. 24, s. 5.

The comptroller of public accounts shall furnish, as soon as may be, after the passage of the act of one thousand eight hundred and fifty and fifty-one, chapter twenty-four, to the agent of the state, who may be entrusted by law with the collection of Cherokee bonds, a full and complete statement, containing the names of all the purchasers of Cherokee lands at the sale of the year one thousand eight hundred and thirty-eight, who were returned solvent under the act of one thousand eight hundred and forty-four; also the names of all the purchasers whose lands have been surrendered to the state; which statement shall exhibit the amount of the bonds given for the original purchase of each tract of land, together with the date of the same and the several payments made thereon, together with the date of each pay-

ment, and upon the receipt of the said statement, the agent shall proceed upon application of the purchasers aforesaid; and upon their producing the certificate of the board of valuation, showing the amount of the valuation of each tract, to deduct the payments which have been made to the state on each tract, from the valuation thereof, and for the balance due, if any, he shall take from the purchasers, or such other person or persons as may be entitled to the privileges of the original purchaser, bonds with good and sufficient security, payable in four annual instalments.

Sec. 2450. Of bonds to be canceled; proviso. 1850-'1, c. 24, s. 6.

Upon the settlement provided for in the preceding section being made, and new bonds with good and sufficient security, to be approved of by the agent of the state, being given, the said agent is hereby authorized to cancel and surrender up to said purchasers, their heirs, devisees or assignees, all the bonds given to the state for said lands: *Provided*, in case more than one tract shall be included in the same bonds and only a part of the tracts valued, then and in that case the agent shall not deliver up the bonds to the purchaser, but credit them for the tracts valued upon new bonds being given for such tracts, as in other cases where separate bonds had been given for each tract.

Sec. 2451. No commissioner allowed to become a purchaser of, &c. 1850-'1, c. 24, s. 8.

None of the commissioners herein allowed and authorized to be appointed shall be purchasers of the Cherokee lands, or liable on Cherokee bonds, or in any way interested in either.

Sec. 2452. Commissioners to value land, &c. 1850-'1, c. 25, s. 1.

It shall be the duty of the board of commissioners who may be appointed under "an act for the relief of the purchasers of Cherokee lands and to secure debts due to the state," in addition to valuing the lands, as therein provided for, to value all the lands which were surveyed under the act of one thousand eight hundred and thirty-six, and which were not sold by the state in the year one thousand eight hundred and thirty-eight; and in fixing a valuation upon said lands, as well as those aforementioned, it shall be the duty of the said board of commis-

sioners to take into consideration the localities of said lands, and the facilities which the purchasers may have in transportation of their produce to market, and all other circumstances which tend to increase or diminish the value of those lands, except the improvements, which are not to be included in the valuation.

Sec. 2453. Commissioners to furnish occupants and agents with certificates, &c. 1850-'1, c. 25, s. 2.

Whereas, many poor persons being destitute of homes have settled on said lands, who have made improvements thereon with the intention of becoming purchasers when they were disposed of, in order to furnish all such persons an opportunity of becoming purchasers, who desire to do so, after said valuation is made, it shall be the duty of said commissioners to furnish each occupant with a certificate setting forth the district and number of the tract by him or her occupied, and also to furnish the agent of Cherokee bonds with a list of all such tracts valued, setting forth the value of each, and the name of each person entitled, in their opinion, to the pre-emption privilege under the act of eighteen hundred and fifty and fifty-one, chapter twenty-five.

Sec. 2454. Pre-emption right on certain condition. 1850-'1, c. 25, s. 3.

All persons who reside on any of the tracts of land to be valued under the preceding section, or have made or own improvements thereon, which add value to the land, shall have a pre-emption right to purchase the lands they or either of them have occupied or improved, at the valuation placed thereon by said board; and upon such person or persons presenting to the agent the certificate of the commissioners to be issued under the preceding section, and entering into bonds, with two or more securities, to be approved by the agent, payable to the state in four annual instalments for the said valuation, it shall be the duty of said agent, upon receiving the said certificates and bonds, to issue a certificate to the purchaser, setting forth the tract by him or her purchased.

Sec. 2455. Surveyed lands in Macon embraced. 1850-'1, c. 25, s. 4.

The preceding section shall extend to the surveyed tracts, if any, in the county of Macon, and shall entitle the persons who may reside thereon, or own improvements on said tracts of land, to pre-emption rights to

purchase said lands at the minimum price thereof; and, upon giving bonds as required in said preceding section, shall be entitled to receive of the agents certificates of purchase as therein provided for.

Sec. 2456. Pre-emption to extend to settlers on vacant lands in Macon. 1850-'1, c. 25, s. 5.

The rights of pre-emption, provided for in the foregoing sections of this chapter, shall extend to all settlers upon the vacant lands, in the county of Macon, which have not been subject to entry under the act of one thousand eight hundred and thirty-six; and upon such person or persons making satisfactory proof to the entry-taker that he or she reside on, or have improved any of the vacant lands aforesaid, it shall be the duty of the entry-taker to issue a warrant to the surveyor of the county to survey such person one hundred acres, to include his or her improvements; and upon the payment to the state of the sum required to be paid for other vacant land in said county, the grants shall issue as in other cases of entries upon the lands which have been subject to entry; and the same fees shall be paid to the entry-taker, surveyor and seretary of state.

Sec. 2457. Fine for locating, &c., limited, &c. 1850-'1, c. 25, s. 6.

The persons entitled to pre-emption privilege under this chapter shall make their locations, and pay the money therefor to the state by the first day of August, one thousand eight hundred and fifty-one; after which time all of said lands that shall remain vacant or not paid for, shall be liable to be entered as other vacant lands are now entered in the county of Macon, to be paid for at the same price, within six months from the time the location is made; otherwise the same shall be void.

Sec. 2458. Extends the pre-emption right to residents in Cherokee. 1850-'1, c. 25, s. 7.

And whereas, many poor persons, being destitute of homes, have also settled upon the unsurveyed lands in the county of Cherokee, which lands were not surveyed under the act of one thousand eight hundred and thirty-six, because they were not considered worth twenty cents per acre; all persons who, prior to the first day of January, one thousand eight hundred and fifty-one, resided on any of said lands, or had made any improvements thereon which add value to the land, shall be entitled to

a pre-emption privilege to one hundred acres, to include their improvements, at twenty cents per acre; and upon making satisfactory proof to the agent of Cherokee bonds that he or she is entitled to the pre-emption privilege within the meaning of this section, it shall be his duty to issue a certificate to such person claiming the pre-emption privilege, setting forth the location of the one hundred acres claimed; and upon such certificate it shall be competent for the persons entitled to the pre-emption privilege to have the said lands surveyed, at his or her own expense, in a square or oblong square, to include his or her improvements; and duplicate copies of such survey shall be made, one to be forwarded to the secretary of state, and the other to be presented, with the original certificate of occupancy, to the agent; and upon payment being made to him, of one fourth of the price of said land, and upon the purchasers entering into bonds with two or more securities, to be approved by the agent, payable to the state in three annual instalments, for the remaining three-fourths, he shall issue to said purchasers certificates of purchase, setting forth the number of the tract, the district in which situated, the number of acres and the price sold for.

Sec. 2459. Certificates. 1850-'1, c. 25, s. 8.

The certificates issued to the purchasers under this chapter, shall entitle them to all rights and privileges the holders of certificates were entitled to under the act of one thousand eight hundred and thirty-six.

Sec. 2460. Advance payments. 1850-'1, c. 25, s. 9.

All persons who make advance payments under this chapter, shall be entitled to the same discount as provided for under the twelfth section of the act of one thousand eight hundred and thirty-six, prescribing the mode of selling Cherokee lands.

Sec. 2461. Two occupants. 1850-'1, c. 25, s. 10.

In all cases where two occupants occupy the same lands, or live near each other, unless otherwise agreed upon between themselves, the line shall be run so as to divide the distance equally between their dwelling houses; and in case two persons claim the same improvements and the occupant right thereto, the person having the prior right, unless he has conveyed his claim to the subsequent settler, shall have the right of pre-emption.

Sec. 2462. Time of privilege limited. 1850-'1, c. 25, s. 11.

The rights of pre-emption hereby granted to persons residing on, or who own improvements on the surveyed lands in the counties of Macon and Cherokee, and also upon the vacant lands in the last named county, provided for in the act of eighteen hundred and fifty and fifty-one, chapter twenty-five, shall have until the first day of October, one thousand eight hundred and fifty-one, to avail themselves of the pre-emption privilege and to give bonds as required by this chapter.

Sec. 2463. Taxes. 1850-'1, c. 25, s. 12.

In the case the act for the relief of purchasers of Cherokee lands, and this act granting pre-emption rights, shall pass, all lands held under certificates in the county of Cherokee shall be liable to the same taxes, both state and county, as other lands in this state.

Sec. 2464. Office of entry-taker established in Cherokee 1852, c. 119, s. 1.

An entry-taker's office shall be opened in the county of Cherokee, for the entry of vacant lands in said county, and an entry-taker shall be elected as is required in other counties of this state, and until such election shall be made, the governor shall have the power to appoint some suitable person, resident in said county, to discharge the duties of said office as hereinafter directed.

Sec. 2465. When, how and at what price lands may be entered. 1852, c. 119, s. 2.

From the first day of February, one thousand eight hundred and fifty-three, till the first day of June thereafter, any one may enter any of the unsold lands in said county at the rate of fifty cents per acre, and thereafter any land remaining may be entered at the rate of twenty cents per acre for the next three months from the first day of June, and thereafter all of said unsold lands that may be unentered may be entered at ten cents per acre for twelve months, and thereafter at the same rates of other vacant lands in this state.

Sec. 2466. Persons entering lands to file their bonds with the entry-taker, &c. 1852, c. 119, s. 3.

It shall be lawful for all persons entering vacant lands in said county of Cherokee to file their bonds, with approved security, with the entry-taker, payable to the state

in four equal annual instalments, which shall, when paid, be in full of the purchase money for the tract or tracts so entered, and upon proof of such payment as herein provided, the secretary of state shall issue the grant or grants according to the entry and survey thereon, and in case the land shall have been surveyed by authority of the state, the grant shall issue according to the survey so made, and not otherwise, and no portion of any tract so surveyed shall be granted without the whole.

Sec. 2467. What grants governor may sign. 1852, c. 119, s. 4.

The governor shall sign no grants on entries and surveys made under this chapter, unless as much as fifty acres shall be included in each survey, and unless such survey shall be a square rectangle not more than twice as long as wide.

Sec. 2468. Vacant lands in Macon and Haywood may be entered. 1852, c. 119, s. 5.

All the vacant lands in the counties of Macon and Haywood may be entered under this chapter at the legal rates; and all the lands in said counties heretofore entered and not paid for, may be paid for, as herein provided for the lands lying in Cherokee county, and all the money and lands that may be received by the entry-taker of either of the said counties of Cherokee, Macon, and Haywood, shall be paid to contractors for making the said Western Turnpike Road, on the certificate of the agent for making said road, until the same is completed.

Sec. 2469. Surveyor for Cherokee elected. 1852, c. 119, s. 6.

A surveyor shall be elected for the county of Cherokee, under the same rules and regulations, and shall perform all the duties and be under all the penalties, as other county surveyors in this state.

Sec. 2470. How surveyed lands to be sold. 1852, c. 119, s. 7.

All the surveyed land shall be sold to the highest bidder by the agent for building said road, at prices not less than it is assessed at, on a credit of one, two, three, and four years, on bond and security being given, the sale to be made after the first day of June next, after forty days' public notice.

Sec. 2471. Agent for superintending the making of said road to appoint overseers; their powers and duties. 1852, c. 119, s. 8.

The agent for superintending the making of said road shall have power to appoint overseers on the completed portions of said road and to see that it is kept in repair, and the overseers appointed shall have the power to call out the laboring hands subject to work on said road, and to direct their labor as other overseers of roads are authorized to do, and they shall be liable to indictment as other overseers of roads for failure or neglect of duty; and the said agent may make any part or portion of said road or bridges first, that he may find requiring it more than other portions; and all the tolls and money received on account of said road shall, by said agent, be faithfully applied to the making of said road until it is completed; and said agent shall hereafter receive for his services three dollars per day, and shall have full power to erect toll-gates on said road, and appoint keepers of such gates, subject to be removed by the board of internal improvement.

Sec. 2472. Penalty for breaking through gates to avoid paying toll. 1852, c. 119, s. 9.

Any one who shall break through or go around any of said gates to avoid the payment of the tolls, shall forfeit and pay the sum of ten dollars, to be recovered in the name of the state, before any justice of the peace for the county where such suit may be brought and applied to the improvement of said road.

Sec. 2473. Rights and privileges of occupants of state lands. 1852, c. 119, s. 10.

The occupant of every tract of said vacant land shall have a preference in entering such tract or tracts, and such prior claims or right shall extend for the first three months after the entry office is opened, at the rate of twenty cents per acre, until the price, according to this chapter, is reduced below that sum, and shall thereafter have the exclusive right for two months at the reduced rate, and that any one having an improvement worth ten dollars on any of said lands on which he or she does not reside, shall have the like pre-emption.

Sec. 2474. Duty of agent for collecting Cherokee bonds. 1852, c. 119, s. 11.

It shall be the duty of the agent for collecting Chero-

kee bonds to refund to the state treasury the money paid for the survey of the Western Turnpike Road, as well as the amount that may be paid for the survey of the railroad route under the act for that purpose, out of the first money collected by him on Cherokee bonds, and it shall be the duty of the agent to retain the bonds and collect the sums required for that purpose.

Sec. 2475. Amount agent must pay to the state treasurer. 1852, c. 120, s. 1.

The agent for the collection of the Cherokee bonds is hereby authorized and required to pay to the state treasurer, out of the first moneys which shall hereafter come into his hands arising from any bonds, judgments or other effects, the sum of eleven thousand four hundred and fifty-seven dollars and thirty-two cents with interest thereon from the twentieth of November, one thousand eight hundred and fifty, the amount of money which was expended in the survey of the Salisbury and Western Turnpike Road; and the state treasurer is hereby authorized to return said moneys to the state treasury.

Sec. 2476. How agent must collect said sum. 1852, c. 120, s. 2.

It shall be the duty of the agent to collect the amount by suit or otherwise, out of the said bonds and pay the same over according to this chapter.

Sec. 2477. Persons who have heretofore entered lands must file bonds; if not, others may enter the same lands; proviso. 1854-'5, c. 22, s. 1.

All persons who have, previous to February the fifteenth, one thousand eight hundred and fifty-five, entered any of the vacant lands in the counties of Cherokee, Macon, Jackson and Haywood, pursuant to an act of the general assembly at its session of one thousand eight hundred and fifty-two and three, chapter one hundred and nineteen, entitled "an act to bring into market the lands pledged for the completion of the Western Turnpike Road," which have not yet been surveyed, and bonds filed for the purchase money, according to said entry or entries, shall cause the same to be surveyed, and file bonds for the the same, on or before the first day of May, one thousand eight hundred and fifty-six; and in case the said entry or entries be not surveyed, nor the entry-takers of said counties notified within the aforesaid time, that it is his intention to become the purchaser, accordingly,

then it shall be lawful for any other person, who has entered the same lands, to cause the same to be surveyed and to file his bonds for the same, on or before the first day of July, one thousand eight hundred and fifty-six; and in case the person or persons who have heretofore entered any of the vacant lands aforesaid, shall fail or neglect to comply strictly with this section, according to its true meaning, then it shall be lawful for any other person or persons to enter said lands, and be allowed three months to survey and file bonds for the same; and the said time of three months shall be allowed in any other instance, from and after the date of said entry, unless otherwise provided for: *Provided*, and it is the true meaning of this section, that the right to take the said lands in whatsoever manner entered heretofore or hereafter, shall be regulated according to priority of entry.

Sec. 2478. The Cherokee lands subject to entry as other public lands.

From and after the first day of November, one thousand eight hundred and eighty-three, the Cherokee lands shall be subject to entry under the same rules and regulations as are prescribed in the chapter entitled "Entries and Grants," for the other public lands of the state: *Provided*, nothing in this section, nor in the chapter entitled "Entries and Grants" shall be construed to prevent any purchaser, at any of the sales of the Cherokee lands, or the heir or assignee of such purchaser, from perfecting his title by grant in manner and form as heretofore provided: *Provided further*, that in all cases the word "Comptroller" in this chapter shall be construed to mean "Auditor."

Sec. 2479. Secretary of state to insert in body of grant number of tract or section as shown by plot. 1883, c. 75, s. 1.

The secretary of state is directed in issuing grants for the Cherokee lands, which have been laid off into sections and numbered, to insert in the body of such grant, the number of the tract or section as shown by the plot describing the same.

Sec. 2480. In grants heretofore issued register of deeds to insert in body of grant number of tract or section. 1883, c. 75, s. 2.

In all grants heretofore issued for the Cherokee lands,

whether the same have been registered or not, in which the number of tract or section is not inserted, the register of deeds of the county in which such lands are situate, is authorized, upon the application of the parties owning such grants, to insert the true number of the tract or section, as shown by the plot attached to such grant, in the body of such grant, and in the record, if the same be registered: *Provided*, that no person is in the possession of said tract of land, claiming to hold the same adversely to such applicant.

Sec. 2481. Duty and fee of register of deeds. 1883, c. 75, s. 3.

The register of deeds shall make his entries in the body of said grant, and also in the blank in the record, in red ink, and shall also write on the margin of the said grant, and likewise on the margin of the record, in red ink, his initials and the date of the correction as made by himself, which shall be evidence of such alteration by the authority of this section; and for this service the register of deeds shall receive a fee of ten cents, to be paid by the applicant.

CHAPTER TWELVE.

CRUELTY TO ANIMALS.

SECTION.

2482. Cruelty to animals forbidden.
 2483. Bear-baiting, &c., prohibited.
 2484. Failure to provide impounded animals with food, a misdemeanor.
 2485. Any person may lawfully supply food to impounded animals.
 2486. Misdemeanor to carry in a conveyance any animal in a cruel manner.

SECTION.

2487. Misdemeanor to instigate or engage in any cruelty to animals.
 2488. The sale of animals having glanders forbidden.
 2489. Animals with glanders to be killed.
 2490. Construction of certain words.

Sec. 2482. Cruelty to animals forbidden. 1881, c. 34, s. 1; c. 368, s. 1.

If any person shall wilfully overdrive, overload, wound,

injure, torture, torment, deprive of necessary sustenance, or cruelly beat, or needlessly mutilate, or kill, or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, or deprived of necessary sustenance, or to be cruelly beaten, needlessly mutilated, or killed as aforesaid, any useful beast, fowl or animal, every such offender shall for every such offence be guilty of a misdemeanor.

Sec. 2483. Bear-baiting, &c.; prohibited. 1881, c. 368, s. 2.

Any person who shall keep, or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting, or baiting any bull, bear, dog, cock, or other animal; and any person who shall encourage, aid or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor.

Sec. 2484. Failure to provide impounded animals with food, a misdemeanor. 1881, c. 368, s. 3.

Any person who shall impound, or cause to be impounded in any pound or other place, any animal, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor.

Sec. 2485. Any person may lawfully supply food to impounded animals. 1881, c. 368, s. 4.

In case any animal shall be at any time impounded as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person from time to time, and as often as it shall be necessary, to enter into and upon any such pound or other place, in which any animal shall be so confined, and to supply it with necessary food and water so long as it shall remain so confined: such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal.

Sec. 2486. Misdemeanor to carry in conveyance any animal in a cruel manner. 1881, c. 368, s. 5.

If any person shall carry or cause to be carried in or upon any vehicle, or other conveyance, any animal in a cruel or inhuman manner, he shall be guilty of a misde-

meanor, and whenever he shall be taken into custody therefor by any officer, such officer may take charge of such vehicle or other conveyance and its contents, and deposit the same in some safe place of custody; and the necessary expenses which may be incurred for taking charge of and keeping and sustaining the same shall be a lien thereon, to be paid before the same can be lawfully reclaimed; or the said expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of said animal in an action therefor.

Sec. 2487. Misdemeanor to instigate or engage in any act of cruelty to animals. 1881, c. 368, s. 6.

Any person who shall wilfully set on foot, or instigate, or move to carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, shall be guilty of a misdemeanor.

Sec. 2488. The sale of animals having glanders forbidden. 1881, c. 368, s. 7.

Any person who shall sell, or offer for sale, or who shall use, or expose, or cause or procure to be sold or offered for sale, or to be used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other contagious or infectious disease known by such person to be dangerous to life, or which shall be diseased past recovery, shall be guilty of a misdemeanor.

Sec. 2489. Animals with glanders to be killed. 1881, c. 368, s. 8.

Every animal having the glanders or farcy shall at once be deprived of life by the owner or person having charge thereof upon discovery or knowledge of its condition, and any such owner or person omitting or refusing to comply with this section shall be guilty of a misdemeanor.

Sec. 2490. Construction of certain words. 1881, c. 368, s. 15.

In this chapter, and in every law which may be enacted, relating to animals, the words animal or dumb animal shall be held to include every living creature; the words torture, torment or cruelty shall be held to include every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted;

but nothing in this chapter shall be construed as prohibiting the lawful shooting of birds, deer and other game for the purpose of human food.

CHAPTER THIRTEEN.

CURRENCY.

SECTION.	SECTION.
2491. Currency of the United States currency of state; public accounts, &c., kept in it.	to be circulated under pain of misdemeanor.
2492. Banks not to draw checks, &c., payable otherwise than in specie.	2495. Scale of depreciation of Confederate currency.
2493. Issue of due bills, notes and all kinds of circulation forbidden unless expressly allowed; misdemeanor.	2496. At what time to apply.
2494. Such due bills, notes, &c., not	2497. Consideration may be shown in contracts for Confederate currency.
	2498. Consideration may be proved before justice; proviso.

Sec. 2491. Currency of the United States currency of state; public accounts, &c., kept in it. R. C., c. 36, s. 1.

The currency of the United States shall be the lawful currency of this state, and all records, fee bills of officers, official accounts, accounts for moneys collected by officers, accounts required to be returned to court, and all other proceedings and papers of a public nature shall be kept in dollars and cents.

State v. Matthews, 3 Jon., 451; *Bank v. Davidson*, 70—118.

Sec. 2492. Banks not to draw checks, &c., payable otherwise than in specie. R. C., c. 36, s. 2.

If any bank shall issue any bill, note, check, or draft, redeemable or payable in any other manner than by payment in specie, the same shall be deemed to be due and demandable in specie at the place where it was issued; and on demand and refusal to pay the same, the money therein expressed shall draw interest, till paid, at the rate of twelve per cent. per annum.

Fort v. Bank, 1 Phil., 417.

Sec. 2493. Issue of due bills, notes and all kinds of circulation forbidden unless expressly allowed; misdemeanor. R. C., c. 36, s. 5.

No person or corporation, unless the same be expressly allowed by law, shall issue any bill, due bill, order, ticket, certificate of deposit, promissory note or obligation, or any other kind of security, whatever may be its form or name, with the intent that the same shall circulate or pass as the representative of, or as a substitute for, money, on pain of forfeiting and paying, for each offence, the sum of fifty dollars; and if the party offending be a corporation, of having also violated its charter. And every person offending against this section, or aiding or assisting therein, shall be guilty of a misdemeanor.

State v. Humphreys, 2 D. & B., 555.

Sec. 2494. Such due bills, notes, &c., not to be circulated under pain of misdemeanor. R. C., c. 36, s. 6.

No person or corporation shall pass or receive, as the representative of, or as the substitute for, money, any such bill, check, certificate, promissory note, or other security of the kind mentioned in this chapter, whether the same were issued within or without the state. And any person or corporation, and the officers and agents of such corporation aiding therein, who shall offend against this section, shall for every such offence forfeit and pay five dollars, and shall be guilty of a misdemeanor.

State v. Bank, 3 Jon., 450.

Sec. 2495. Scale of depreciation of Confederate currency established. Ord. of Convention, 1865. 1866, c. 39, s. 1.

WHEREAS, by an ordinance of the convention, entitled "an ordinance declaring what laws and ordinances are in force, and for other purposes," ratified on the eighteenth day of October, in the year of our Lord, one thousand eight hundred and sixty-five, it is made the duty of the general assembly to provide a scale of depreciation of the Confederate currency, from the time of its first issue to the end of the war; and it is further therein declared that "all executory contracts, solvable in money, whether under seal or not, made after the depreciation of said currency before the first day of May, one thousand eight hundred and sixty-five, and yet unfilled (except official bonds and penal bonds payable to the state), shall be deemed to have been made with the understanding that

they were solvable in money of the value of said currency," subject, nevertheless, to evidence of a different intent of the parties to the contract. Therefore,

The following scale of depreciation is hereby adopted and established as the measure of value of one gold dollar in Confederate currency, for each month, and the fractional parts of the month of December, one thousand eight hundred and sixty-four, from the first day of November, one thousand eight hundred and sixty-one, to the first day of May, one thousand eight hundred and sixty-five, to wit:

Scale of depreciation of Confederate currency, the gold dollar being the unit and measure of value, from November first, one thousand eight hundred and sixty-one, to May first, one thousand eight hundred and sixty-five:

Months.	1861.	1862.	1863.	1864.	1865.
January.....		\$1 20	\$3 00	\$21 00	\$50 00
February.....		1 30	3 00	21 00	50 00
March.....		1 50	4 00	23 00	60 00
April.....		1 50	5 00	20 00	100 00
May.....		1 50	5 50	19 00	
June.....		1 50	6 50	18 00	
July.....		1 50	9 00	21 00	
August.....		1 50	14 00	23 00	
September.....		2 00	14 00	25 00	
October.....		2 00	14 00	26 00	
November.....	\$1 10	2 50	15 00	30 00	
December.....	1 15	2 50	20 00		
" 1st to 10th, inclusive.....				35 00	
" 10th to 20th, inclusive.....				42 00	
" 20th to 30th, inclusive.....				49 00	

Farmer v. Willard, 71—284; Wooten v. Sherrard, 71—374; Holt v. Patterson, 74—650; Green v. Barbee, 84—69; Melvin v. Stevens, 84—78; Brickell v. Bell, 84—82; Wilson v. Powell, 86—230; Cobb v. Gray, 78—94; Drake v. Drake, 82—443; Palmer v. Love, 82—478; Green v. Barbee, 84—69; Wilson v. Powell, 86—230.

Sec. 2496. At what time to apply. 1866-'7, c. 44, s. 1.

The scale of depreciation of Confederate currency herein established, shall apply to debts herein mentioned at the date of contracting the same, and not at the time said debts became due.

Brickell v. Bell, 84—82.

Sec. 2497. Consideration may be shown in contracts for Confederate currency. 1866, c. 38, s. 1.

In all civil actions in any court for debts contracted during the late war, in which the nature of the obligation is not set forth, nor the value of the property, for which such debts were created, is stated, it shall be admissible

for either party to show on trial, by affidavit or otherwise, what was the consideration of the contract, and the jury in making up their verdict, shall take the same into consideration and determine the value of said contract in present currency, in the particular locality in which it is to be performed, and render their verdict accordingly.

Robeson v. Brown, 63—554; Garrett v. Smith, 64—93; Cherry v. Savage, 64—103; Green v. Brown, 64—553; Summers v. McKay, 64—555; Howard v. Beatty, 64—550; Alexander v. Rintles, 64—634; Boyden v. Bank, 65—13; Terrell v. Walker, 66—244; McKesson v. Jones, 66—259; Alexander v. Summey, 66—577; McCombs v. Griffith, 67—83; Sanders v. Jarman, 67—86; Williams v. Monroe, 67—133; Alexander v. R. R. Co., 67—198; Coble v. Hardin, 67—472; McRae v. McNair, 69—12; Cowles v. Hayes, 71—230; Farmer v. Willard, 71—284; Davis v. Glenn, 72—519; Palmer v. Love, 75—163; Davis v. Glenn, 76—427; Johnson v. Miller, 76—439; Cobb v. Gray, 78—94; Norment v. Brown, 79—363; Duke v. Williams, 84—74; Melvin v. Stevens, 84—78; State v. Bevers, 86—588.

Sec. 2498. Consideration may be proved before justice; proviso. 1866, c. 38, s. 2.

When any warrant shall be returned before any justice of the peace for debt contracted during the war, said justice of the peace shall give the parties the privilege of setting forth on oath the nature of the obligation, with the kind of property, currency or other consideration for which it was created, and the true value of the contract in the present currency in the particular locality where it is to be solved shall govern his judgment: *Provided*, justices of the peace shall have jurisdiction of all sums less than one thousand dollars, unless it is specified in the contract that it is payable in other than Confederate currency: *Provided further*, no warrant shall be issued by a justice of the peace, upon any claim, which will, according to a scale of depreciation of Confederate currency, after judgment exceed two hundred dollars.

CHAPTER FOURTEEN.

DOGS.

SECTION.

2499. Penalty and liability for damages in not killing a dog bitten by a mad dog.

2500. Penalty for keeping a sheep-killing dog; misdemeanor.

SECTION.

2501. Penalty for permitting bitches to run at large at certain times.

2502. Dogs listed for taxation the subject of larceny; tax.

Sec. 2499. Penalty and liability for damages in not killing a dog bitten by a mad dog. R. C., c. 67.

Whenever the owner of any dog shall know, or have good reason to believe, that his dog, or any dog belonging to any person under his control, has been bitten by a mad dog, and shall neglect or refuse immediately to kill the same, he shall forfeit and pay the sum of fifty dollars to him who will sue therefor; and the offender shall be liable to pay all damages which may be sustained by any one, in his property or person, by the bite of any dog, belonging as aforesaid, and shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Wallace v. Douglas, 10 Ired., 79.

Sec. 2500. Penalty for keeping a sheep-killing dog; misdemeanor. 1862-'3, c. 41, s. 1. 1874-'5, c. 108, s. 2.

Any person owning or having any dog or dogs that kill sheep, upon satisfactory evidence of the same being made before any justice of the peace of the county, and the owner duly notified thereof, if the owner of said dog or dogs refuses to kill it or them, or refuses to have the same done after such evidence has been made, and shall permit said dog or dogs to go at liberty, he shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days, and the said dog or dogs may be killed by any one if found going at large.

Mowery v. Salisbury, 82—175.

Sec. 2501. Penalty for permitting bitches to run at large at certain times. 1862-'3, c. 41, s. 2.

Any person owning or having any bitch or bitches, and

permitting them knowingly to run at large during the erratic stage or copulation, shall forfeit and pay twenty-five dollars for every offence, to be recovered by warrant before any justice of the peace of the county, one-half to the use of the informer, the other half to the use of the county.

Sec. 2502. Dogs listed for taxation the subjects of larceny; tax. 1881, c. 302.

Dogs listed for taxation annually, at the usual time of listing taxes, shall be the subjects of larceny; and the tax on each dog so listed shall be one dollar annually, said tax to be applied to the common school fund.

State v. Latham, 13 Ired., 83; State v. House, 65—315; State v. Holder, 81—527.

CHAPTER FIFTEEN.

EDUCATION.

LITERARY FUND.

SECTION.	SECTION.
2503. State board of education incorporated, its name and corporate powers.	2509. Written consent of owners to vest title in corporation.
2504. Officers, quorum, meetings; proviso.	2510. When owners refuse, how corporation to proceed.
2505. Proceedings to be recorded, &c.	2511. Lands of persons improved by canals, &c., to pay a proportion of expense.
2506. To succeed to powers, &c., of president and directors of literary fund; authorized to legislate, &c., for government of public schools, &c., subject to revision and repeal of general assembly; to succeed to property of literary fund.	2512. Board may appoint an engineer, surveyor, &c.
2507. Treasurer to keep account of receipts, &c., and report to general assembly.	2513. May enter any lands for surveying, &c.; titles to swamp lands not registered vested in corporation; proviso.
2508. Duty of board in having swamp lands surveyed, drained, &c.	2514. May sell reclaimed lands; proceeds of, and entry money to become principal.
	2515. Shall expend no money to reclaim lands unless, &c.
	2516. May employ counsel and compromise suits.

SECTION.

2517. May buy or exchange lands.
 2518. Turnpike from Plymouth to Pungo river.
 2519. Amount appropriated; contractor to give bond; how land may be condemned for road.
 2520. Board may contribute lands for a canal from Waccamaw to Little river.
 2521. Appropriation of five thousand dollars to open ground prairie.
 2522. Forfeitures of land by persons failing to pay tax.
 2523. Agent of swamp lands appointed.
 2524. His duties.
 2525. Agent may be removed; compensation.

SECTION.

2526. Board may procure others to prosecute suits and share recovery.
 2527. Presumption of title in favor of board of education or their assigns.
 2528. Board barred by time only when state is.
 2529. How sales to be made.
 2530. No loan to be made except by direction of general assembly.
 2531. Board to make no further investment of school funds, but to distribute the same from time to time.
 2532. Distributions, how made.
 2533. Board authorized to sell, &c., when.
 2534. Certain powers to be reserved to the state, &c.

PUBLIC SCHOOLS.

SECTION.

2535. Apportionment of school fund.
 2536. Auditor to keep separate account of public school fund.
 2537. When and how warrant issued for school fund due any county.
 2538. State treasurer to hold school funds as a special deposit; when and how paid out.
 2539. Board to recommend text books, to be used in public schools for three years; proviso.
 2540. Duties of superintendent of public instruction.
 2541. Duty of superintendent to direct operation of system of public schools, &c.
 2542. Duty of superintendent to learn and supply educational wants, &c.; expenses allowed, not exceeding five hundred dollars *per annum*.

SECTION.

2543. Funds appropriated for establishing and maintaining system of free schools to be paid into the state treasury.
 2544. Funds so appropriated to be paid into the county school fund.
 2545. County board of education; officers.
 2546. Duties of county board of education.
 2547. Meetings; proviso; books of county treasurer to be examined, &c.
 2548. County superintendent of public instruction, term of office; election biennial; vacancies; secretary to report name, &c., to state superintendent; suspension and removal of county superintendent; powers of school committee.
 2549. School districts.

SECTION.

2550. Convenience of residents to be consulted in formation of districts; separate schools for the two races.
2551. County board of education to apportion county school fund among districts; sums so apportioned subject to order of school committee.
2552. Basis of annual apportionment of public school moneys.
2553. School committee, their duties; vacancies, &c.
2554. County treasurer to receive and disburse school fund; his bond; misdemeanor, &c.
2555. Orders, how issued upon treasurer of county board of education; proviso: payments for building or repairing school houses.
2556. Duties of treasurer of county board of education.
2557. Treasurer to furnish blank deeds to school committees; form of deed; when land to revert.
2558. Treasurer to make report to county board of education.
2559. Treasurer to produce books, vouchers, &c., when required by board.
2560. Treasurer to make report to state superintendent of public instruction.
2561. Treasurer to keep account of public school moneys.
2562. Treasurer to report to said superintendent; guilty of misdemeanor.
2563. Sheriff to pay annually in money to treasurer of county board amount of state and county taxes levied for school purposes, &c.; misdemeanor; penalty; action on bond.
2564. Sheriff to take duplicate receipts, &c.

SECTION.

2565. Duties of secretary of county board of education.
2566. Examination of applicants for teachers' certificates by county superintendent of public instruction; grades of certificates valid for one year in county where issued; what to be taught in public schools; proviso.
2567. Teachers' institutes; teachers required to attend.
2568. County superintendent to have charge of institute, &c.
2569. Duties of county superintendent of public instruction; powers; suspension of teachers.
2570. County superintendent to distribute blanks, &c.
2571. County superintendent to countersign orders on treasurer of county board for payment of teachers' salaries.
2572. County superintendent to deliver to county board catalogue of teachers, &c.
2573. County superintendent to report to state superintendent number, &c., of teachers, schools, &c.
2574. County superintendent to file copy of report to state superintendent in office of secretary of county board; to turn over to secretary census reports, &c.
2575. Compensation of county superintendent.
2576. Oath of school committeemen.
2577. Meeting of school committee; chairman; clerk; record to be kept.
2578. School committee to be a body politic; name.
2579. School committee to take annual census of children; to report number of school houses to county superintendent, &c.

SECTION.	SECTION.
2580. School committee authorized to employ and dismiss teachers, and to fix their pay; to receive no compensation, but to be exempt from jury service and work on roads.	2585. Duties of teachers; dismissal of pupil.
2581. Teachers to render statement of number of pupils, &c., to school committee; when order for payment of teachers to be given.	2586. Teachers to keep daily records concerning pupils; grades in scholarship, in department; report to be made to county superintendent.
2582. School committee empowered to receive gifts, &c.; deed, how executed; proceeds of sale; to have care of school house, &c., and to sell the same, &c.; original grantors to have option to repurchase school house site when resold.	2587. School year.
2583. Empowered to receive sites for school houses by donation or purchase; in case of purchase, approval of chairman and secretary of county board necessary; title; proceeding to condemn land for school house site.	2588. Every school receiving aid under this chapter to be a public school.
2584. School committee to deliver deeds to treasurer of county board.	2589. Tax of twelve and a half cents on every one hundred dollars of property and credits to be levied for support of public schools; poll tax of thirty-seven and a half cents.
	2590. If taxes insufficient to maintain public schools for four months, board of commissioners to levy special tax; how collected, &c.
	2591. School committee empowered to contract with teacher of private school; proviso.
	2592. Misdemeanor to wilfully disturb any school.
	2593. State superintendent of public instruction authorized to employ clerk; his salary, how paid.

LOCAL ASSESSMENTS IN AID OF PUBLIC SCHOOLS.

SECTION.	SECTION.
2594. Petition to county commissioners for special tax in school districts for white and colored schools respectively; notice; commissioners to decide; amount of tax; commissioners to issue order to school committee to hold election; notice, &c.	tee; sheriff to collect tax; liability of sheriff's bond.
2595. Upon affirmative vote clerk of commissioners to make out tax list; duty of school commit-	2596. Election not to be held oftener than once a year.
	2597. Tax collected from white persons applicable to white schools; and that from colored persons, to support of colored schools.
	2598. County treasurer to receive and disburse tax; liability of bond.
	2599. Tax collected subject to order

SECTION.

- of school committee for pay-
ment of teachers; proviso.
- 2600. Order on treasurer for pay-
ment of teachers.
- 2601. Duty of treasurer.
- 2602. Treasurer to make annual re-
port to board of commissioners.
- 2603. Books, &c., of treasurer sub-
ject to examination of board
of commissioners.
- 2604. Compensation of treasurer.
- 2605. County treasurer to report to
state superintendent of public
instruction.

SECTION.

- 2606. Sheriff to pay in money, tax
collected, to county treasurer,
&c., misdemeanor; action on
bond.
- 2607. County superintendent of pub-
lic instruction to countersign
orders on treasurer.
- 2608. Teachers to report to school
committee number of pupils,
&c.; committee to give teach-
ers orders on county treas-
urer.
- 2609. Use of public school houses.

UNIVERSITY OF NORTH CAROLINA.

[CONST., ART. IX, §§ 6, 7, 14.]

SECTION.

- 2610. Incorporation of the Univer-
sity.
- 2611. Authority of trustees.
- 2612. Treasurer and his duties.
- 2613. Trustees to appoint president
and faculty, and confer de-
grees.
- 2614. Property exempt from taxa-
tion.
- 2615. Governor, *ex officio*, president.
- 2616. Meetings of trustees.
- 2617. Vacancies in offices of secreta-
ry and treasurer, how filled.
- 2618. Trustees may at their annual
meeting limit business at spe-
cial meeting.
- 2619. Trustees may vacate appoint-
ment of trustee for improper
conduct.
- 2620. Number of trustees, and their
election.
- 2621. To meet in thirty days; classes.
- 2622. Vacancies, how filled.
- 2623. Rules and regulations.
- 2624. Executive committee.
- 2625. Sixteen additional trustees of
the University.

SECTION.

- 2626. Endowed with escheats.
- 2627. When personal property paid
to University.
- 2628. Unclaimed dividends to go to
University.
- 2629. Certain personal property
deemed derelict and paid to
University.
- 2630. Receipts from all sources to
be applied to maintenance of
University.
- 2631. Land scrip transferred to the
trustees of the University.
- 2632. Trustees to dispose of the
same and establish two pro-
fessorships.
- 2633. Board of commissioners of
each county to select annually
one native resident for gratui-
tous instruction in the Uni-
versity.
- 2634. Who eligible to appointment
as county student; revocable
by board; when trustees to ask
board to revoke appointment;
student obtaining county ap-
pointment without being en-

SECTION.		SECTION.	
	titled liable for tuition, &c.		for sale of liquors, forbidden.
2635.	Student receiving free tuition to promise in writing to teach after leaving the University.	2642.	No person without written permit to sell liquor to be used in four miles of Chapel Hill.
2636.	Certificate of indebtedness to issue.	2643.	Electioneering treats within four miles forbidden.
2637.	Special tax bonds to be burned.	2644.	Also billiard and gaming tables in five miles.
2638.	Annual apportionment of five thousand dollars to University payable in semi-annual instalments.	2645.	Also exhibitions within five miles without license.
2639.	Manner in which appropriations shall be used.	2646.	Violation of preceding sections a misdemeanor.
2640.	License to retail at Chapel Hill, &c., void.	2647.	Contracts with minor students without permission, void.
2641.	Places in four miles off, &c.,	2648.	Shall be avoided by plea.
		2649.	Incapable of confirmation.

NORMAL SCHOOLS.

SECTION.		SECTION.	
2650.	Normal schools in connection with the University.		establish normal schools other than those at Fayetteville and the University.
2651.	Normal schools for colored persons.	2653.	Young persons educated at normal schools.
2652.	State board of education to es-		

GRADED SCHOOLS.

SECTION.		SECTION.	
2654.	Graded schools.		appropriation to be annually furnished school commissioners.
2655.	Tax for graded schools.	2662.	Additional tax for educational purposes authorized.
2656.	Principal of graded school; his salary, &c.	2663.	Treasurer of corporation to act as treasurer of school fund.
2657.	Certain townships not included.	2664.	Clerk of corporation to be secretary of board of school commissioners.
2658.	Sense of voters to be taken as to the propriety of establishing public schools, &c.	2665.	Enumeration of children required.
2659.	Election of school commissioners, one from each ward; ten days' notice of election to be given.	2666.	Quarterly statement required.
2660.	Commissioners with mayor to constitute board of management; fine for failure of duty.	2667.	Commissioners may hold and dispose of real and personal property in trust.
2661.	Statement of amount of ap-		

Sec. 2503. State board of education incorporated, its name and corporate powers. 1881, c. 200, s. 1.

The governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public instruction, and attorney-general shall constitute the state board of education, and by the name, "the state board of education," are created a body politic and corporate, and by that name may sue and be sued, plead and be impleaded; may have a common seal; may acquire, receive and hold real, personal and mixed property by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same; and may contract and be contracted with for the purposes provided in this chapter and for such other purposes as may be prescribed by law, and to that end may make such by-laws for its government and the exercise of its powers, and alter the same from time to time in their discretion, as shall not be in conflict with the laws of the state and of the United States.

Sec. 2504. Officers, quorum, meetings; proviso. 1881, c. 200, s. 2.

Of the said board, the governor shall be president, the superintendent of public instruction shall be secretary, and the treasurer of the state shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The said board shall hold its meetings in the executive office, and shall meet at such times as a majority of the members may appoint: *Provided*, that the governor may call a meeting at any time.

Sec. 2505. Proceedings to be recorded, &c. 1881, c. 200, s. 3.

All the proceedings of said board shall be recorded in a well bound and suitable book, which shall be kept in the office of the superintendent of public instruction.

Sec. 2506. To succeed to powers, &c., of president and directors of literary fund; authorized to legislate, &c., for government of public schools, &c., subject to revision and repeal of general assembly; to succeed to property of literary fund. 1881, c. 200, s. 4.

The state 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 for the government of the public schools and for the management of the state educational fund. But all

such acts, rules and regulations of the said board may be altered, amended or repealed by the general assembly, and when so altered, amended or repealed shall not be re-enacted by the said board; and the said board shall succeed to and have all the property, powers, rights, privileges and advantages which in anywise belonged or appertained to the said "president and directors of the literary fund of North Carolina," and may, in its own name, assert, use, apply and enforce the same.

Sec. 2507. Treasurer to keep accounts of receipts, &c., and report to general assembly. R. C., c. 66, s. 4.

The state treasurer shall keep a fair and regular account of all the receipts and disbursements of the literary fund, and shall report the same to the general assembly, at the same time when he makes his biennial account of the ordinary revenue; and the state board of education shall report to the general assembly the manner in which the fund has been applied or invested, with such recommendations for the improvement of the same, as to them shall seem expedient.

Sec. 2508. Duty of board in having swamp lands surveyed, drained, &c. R. C., c. 66, s. 5.

The state board of education shall be invested with full power to adopt all necessary ways and means for causing so much of the swamp lands to be surveyed as they may think capable of being reclaimed; and after said lands, or any part of them, shall be surveyed, to contract for the construction of canals, ditches, and other works necessary for the purpose of reclaiming the same, upon such terms and conditions as may be prescribed by the corporation, the contractor giving bond with security for the faithful performance of the agreement.

Sec. 2509. Written consent of owners to vest title in corporation. R. C., c. 66, s. 6.

Whenever it shall be necessary to construct any of said works on the lands of any individual proprietor, his written consent, without any formal deed of conveyance of the lands necessary to the work and its future enjoyment, shall vest the title thereof in the corporation forever; and when any infant or person *non compos mentis* or *feme covert* shall be owner thereof, his guardian shall be authorized to give such consent; and the *feme covert* and her husband may do so, without any private examina-

tion; and the consent so given shall be valid for all purposes.

Sec. 2510. When owners refuse, how corporation to proceed. R. C., c. 66, s. 7.

Whenever the consent of the proprietor shall be withheld, the corporation or their agents may enter on the lands and lay off so much as may be necessary to be used in said work, the value of which shall be assessed to the proprietor according to law; and, upon the payment thereof, the title shall be vested in the corporation forever: *Provided*, in the assessment of valuation, the benefit that will accrue to the proprietor by reason of the improvement may be likewise reckoned and set off against the damages.

Sec. 2511. Lands of persons improved by canals, &c., to pay a proportion of expense. R. C., c. 66, s. 8.

When there are lands owned by individuals which can be reclaimed by reason of the canals, ditches or other works of the corporation, the same shall be assessed to contribute an equitable proportion of the costs of said works; which assessment shall be made by the board, or a board of commissioners appointed by them, and the same shall be charged on the lands: *Provided*, the corporation, by contract with individual proprietors, may agree upon the assessment, and accept payment thereof in labor or money.

Sec. 2512. Board may appoint an engineer, surveyor, &c. R. C., c. 66, s. 9.

The state board of education may appoint an engineer and surveyor, and other servants, to plan the works; they may enact all necessary rules and regulations for surveying and reclaiming the swamp lands; for assessing the lands of individuals which may be improved by the works, and for collecting assessments; and the assessments shall be published weekly for five weeks in one of the newspapers published in Raleigh, and also filed in the office of the clerk of the superior court of the county wherein the lands assessed are situate. If no objections are filed at the court next after such advertisement, the assessments shall be confirmed by the court and the lands adjudged liable for the amount, and execution may be issued for the sale thereof to satisfy the same, on motion to the court for that purpose; and if any reasons be shown against the assessments, they shall be heard and

determined by the court, and the assessments shall be increased or diminished, as the court shall adjudge.

Sec. 2513. May enter any lands for surveying, &c.; titles to swamp lands not registered vested in corporation; proviso. R. C., c. 66, s. 10.

The state board of education, and their officers or agents, shall have a right to enter upon the lands of all persons whomsoever, for the purpose of surveying; and all the grants and deeds for swamp lands, heretofore made, shall be proved and registered in the county where the lands are situate, within twelve months; and every such grant or deed, not being so registered within the time aforesaid, shall be void, and the title of the proprietor in said lands shall revert to the state: *Provided*, the provisions of this section, relating to the registration of grants and deeds, shall be applicable to the swamp lands only which have been surveyed or taken possession of by, or are vested in the state board of education, or their agents.

Sec. 2514. May sell reclaimed lands; proceeds of, and entry money to become principal. R. C., c. 66, s. 11.

The state board of education may sell and convey any part of the lands which may be reclaimed, for the best price that can be obtained, and the proceeds, as also money received on entries of vacant land, shall become a part of the literary fund; but they shall not sell any canal by them constructed under this chapter.

Sec. 2515. Shall expend no money to reclaim lands, unless, &c. R. C., c. 66, s. 12.

The state board of education shall not expend any part of the moneys, stocks, or property herein vested in them, for the purpose of reclaiming the said lands, but by direction of the general assembly; and the money received on entries of vacant land shall also be added to the fund.

Sec. 2516. May employ counsel and compromise suits. R. C., c. 66, s. 13.

The board may employ counsel learned in the law to aid and assist them in the investigation and prosecution of their title to any of their swamp lands; and they may compromise upon such terms as to them shall seem reasonable and just, for the title, so as to secure the corporation an indefeasible right in said lands.

Sec. 2517. May buy or exchange lands. R. C., c. 66, s. 14.

Whenever, in the process of draining, it may be necessary, in order to prevent a sacrifice of the interests of the state, to purchase small tracts owned by individuals, the board may buy them, or exchange for them some other portions of the swamp lands; and the lands thus acquired shall be held by them as other swamp lands.

Sec. 2518. Turnpike from Plymouth to Pungo River. R. C., c. 66, s. 15. 1852, Resolution.

The board shall contract, upon such terms and conditions as they may think proper, for the construction of a turnpike road from Plymouth, in Washington county, to some point on or near Pungo river, in Beaufort county, the more effectually to bring into market the public lands in the counties of Hyde and Washington: *Provided*, the board may appoint three commissioners, who, after being duly sworn to perform the duties assigned them with their best skill and ability and without partiality, shall have full power to carry into execution this section, as effectually as the board may do it. And the commissioners thus appointed shall signify to the board their intention of serving, within ten days after being informed of their appointment.

Sec. 2519. Amount appropriated; contractor to give bond; how land may be condemned for road. R. C., c. 66, s. 16.

For the purpose of making said road, the board may dispose of five thousand dollars' worth of the swamp lands, if not already done, and appropriate therefor the proceeds, together with the sum of six thousand dollars directed heretofore to be advanced out of the money belonging to the board. And the board or the commissioners shall take bond from the contractor, with good security, in double the amount of the contract, conditioned for its due and faithful performance. And if the board or commissioners cannot agree with the owners of land over which the road will pass, or for land whereon to erect houses for the use of the hands employed, or for earth for the use of the road; or if the owner be a *feme covert*, under age, *non compos mentis*, or out of the state, then on application to two justices of the peace of the county wherein the lands lie, they shall issue their writ to the sheriff of the county, commanding him to summon, within twenty days, a jury of eighteen disinterested and reputable freeholders, twelve of whom, after meeting on the

premises, being duly drawn and sworn by the sheriff to act impartially, shall lay off and value the land required for the construction of said road, and the damages the owners will sustain by reason of the same; and the inquisition shall be returned, under their hands, into the next superior court of the county, and upon paying the amounts assessed to the owner of the land or his guardian, or into the office of the clerk of the court, they, or the contractor under them, may enter upon the land laid off and use it, and construct the road thereon; and the road shall be held, deemed and used as a public highway.

Sec. 2520. Board may contribute lands for a canal from Waccamaw to Little river. R. C., c. 66, s. 17.

Whenever a canal shall be opened from Waccamaw river to Little river, near where the latter empties into the ocean, and it shall have been clearly ascertained that any valuable portion of the said swamp lands has been drained by the said canal, and has been made more valuable thereby, the board may allow to the individuals opening the canal such of the public lands thus drained, and convey the same by deed, as the board may consider just and reasonable.

Sec. 2521. Appropriation of five thousand dollars for Open Ground Prairie. R. C., c. 66, s. 18. 1850, Resolution.

The board shall inquire into the practicability and expediency of draining certain lands in Carteret county known as the Open Ground Prairie; and should they deem it advantageous to do so, may commence the draining thereof; and for that purpose five thousand dollars are appropriated from the literary fund.

Sec. 2522. Forfeitures of land by persons failing to pay tax. R. C., c. 66, s. 19. 1842, c. 36.

Any person, his heirs or assigns, having at any time obtained a grant from the state for any swamp lands which have been surveyed or taken possession of by the state board of education or their agents, and shall not have regularly listed the same for taxation and paid the taxes due thereon to the persons entitled to receive the same, such grantee, and his heirs or assigns, shall forfeit and lose all right, title and interest in the said swamp lands, and the same shall *ipso facto* revert to the state, and be vested in the said board upon the same trusts as they hold other swamp lands; unless such person, his heirs or

assigns, shall have paid to the sheriff of the county in which said lands lie, prior to the twenty-first day of January, one thousand eight hundred and forty-four, all the arrearages of taxes due on said lands, with interest thereon, from the time the taxes ought to have been paid.

Phelps v. Chesson, 12 Ired., 194.

Sec. 2523. Agent of swamp lands appointed. R. C., c. 66, s. 20. 1854, c. 48.

The board of education may annually appoint an agent to superintend and supervise all the swamp lands belonging to the board.

Sec. 2524. His duties. R. C., c. 66, s. 21.

The agent shall devote his entire attention to the business; abandon all prior engagements that may conflict with the interest of the board; aid and assist counsel in the preparation and trial of all suits that may be directed by the board; collect information as to the location and value of all said lands; survey or have surveyed such tracts of said lands, or such other lands necessary to ascertain the location of lands belonging to the board, as he may deem necessary, under the direction of the board. He shall make reports from time to time to the board, of all the information he obtains, with such suggestions as he may deem proper; and shall prepare a statement of each tract of land owned by the board, and its location, quantity, as well as ascertained and probable value, distinguishing between those tracts the title to which is doubtful, or good; and this statement shall be recorded by him in a book to be kept by the board, and in a manner, by index or otherwise, easy for reference.

Sec. 2525. Agent may be removed; compensation. R. C., c. 66, s. 22.

The agent may be removed by the board at any time, and another appointed to supply the vacancy, the agent removed being paid a *pro rata* compensation. The agency may be continued in the discretion of the board. The compensation of the agent shall not exceed one thousand dollars; and, besides his salary, he shall receive no other compensation for what he is required to do or have done as aforesaid, except that the necessary incidental expenses of surveys required as aforesaid (not including surveyor's fees) shall be paid by the board.

Sec. 2526. Board may procure others to prosecute suits and share recovery. R. C., c. 66, s. 23. 1854, c. 48.

The board of education shall have full power and authority to agree with any person to prosecute their claim to any swamp lands in any county or counties, or to survey and identify their lands in such counties, and allow to such person a share of any such land as a compensation for his services.

Sec. 2527. Presumption of title in favor of board of education or their assigns. R. C., c. 66, s. 24. 1842, c. 36, s. 3.

In all controversies and suits for any of the swamp lands, to which the said board of education or their assigns shall be a party, the title to the said lands shall be taken and deemed to be in the said board or their assigns until the other party shall show that he hath a good and valid title to the said lands in himself.

Sec. 2528. Board barred by time only when the state is. R. C., c. 66, s. 25.

No statute of limitation shall affect the title or bar the action of the said board of education or their assigns, unless the same would protect the person holding and claiming adversely against the state.

Sec. 2529. How sales to be made. 1872-'3, c. 194, s. 2.

No sale of lands shall be made by the board of education, except upon six weeks' public advertisement, and upon the receipt of sealed proposals for such land, and for not less than a minimum price of ten cents per acre.

Sec. 2530. No loan to be made except by direction of general assembly. 1870-'1, c. 279.

It shall not be lawful for the board of education to loan any amount of the public funds under their control, or expend the same for any purpose whatever, except by the direction of the general assembly.

Sec. 2531. Board to make no further investment of school funds, but to distribute the same from time to time. 1881, c. 82, s. 3.

It shall be the duty of the said board to distribute from time to time all funds belonging to the school fund, instead of making any further investments.

Sec. 2532. Distributions, how made. 1881, c. 82, s. 4.

All distributions shall be made among the several counties according to the number of school children in each county entitled to the benefits of the common schools.

Sec. 2533. Board authorized to sell, &c., when. 1869-'70, c. 79.

Authority is hereby given to the board of education to perfect a sale of the lands held by the said board in the counties of Hyde, Tyrrell and Washington, for the sum of fifty thousand dollars or more, the said sale to be on five years' time, the interest to be paid annually and to be secured by the board under such regulations as the board may deem best.

Sec. 2534. Certain powers to be reserved to the state, &c. 1872-'3, c. 118.

In any sale which shall be made by the board of education under the preceding section, the following powers shall be expressly reserved to the state, to be reserved under such laws as are now or may be enacted by the general assembly:

(1) To make any expedient regulations respecting the repair of the canals which have been cut by the state, or enlargement of said canals;

(2) To impose taxes on the lands benefited by those canals for their repair, and which shall not be closed;

(3) That the navigation of the canals shall be free to all persons, subject to a right in the state to impose tolls, which shall be spent exclusively in repairing or enlarging said canals to Pungo river from the mouth of the Pungo lake canal downwards to Leachville;

(4) That all land owners on the canals may drain into them, subject only to such general regulations as now are or hereafter may be made by the general assembly in such cases;

(5) That the roads along the banks of the canals shall be public roads;

Provided, the sale authorized by this section shall in no manner affect the titles of persons who occupy any of said lands under grants from the state, and in all cases where entries have been made, grants shall be issued as now provided.

PUBLIC SCHOOLS.**Sec. 2535. Apportionment of school fund. 1881, c. 200, s. 5.**

The state board of education shall, on the first Monday in August of each and every year, apportion among the several counties of the state all the school funds which may be then in the treasury of the said board, and order a warrant for the full apportionment to each county, which said apportionment shall be made on the basis of the school population.

Sec. 2536. Auditor to keep separate account of public school fund. 1881, c. 200, s. 6.

The state auditor shall keep a separate and distinct account of the public school funds, and of the interest and income thereof, and also of such moneys as may be raised by state, county and capitation tax, or otherwise, for school purposes.

Sec. 2537. When and how warrant issued for school fund due any county. 1881, c. 200, s. 7.

Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of education, for the school fund which may have been apportioned to said county, the state board of education shall issue its warrant on the state auditor for the sum due said county; whereupon the said auditor shall draw his warrant on the treasurer of the state board of education in favor of such county treasurer for the amount set forth in the warrant of the said state board.

Sec. 2538. State treasurer to hold school funds as a special deposit; when and how paid out. 1881, c. 200, s. 8.

The state treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the state auditor, issued on the order of the state board of education in favor of a county treasurer, duly indorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the state treasurer for the disbursement of school funds.

Sec. 2539. Board to recommend text books to be used in public schools; proviso. 1881, c. 200, s. 9.

The state board of education shall recommend a series of text books to be used in the public schools for a term of three years, and until otherwise ordered: *Provided*, the county board of education shall take care that changes from books now in use to those recommended, do not work great inconvenience or expense to parents, guardians or pupils: *Provided further*, no sectarian or political books shall be used in the public schools: *Provided also*, the prices of the books recommended be fixed by the state board of education for the whole term for which they shall be used.

Sec. 2540. Duties of superintendent of public instruction. 1881, c. 200, s. 10. 1883, c. 121, s. 1.

The superintendent of public instruction shall have the school laws published in pamphlet form and distributed on or before the first day of April of each year; shall have printed all the forms necessary and proper for the purposes of this chapter, and shall look after the school interest of the state, and report biennially to the governor, at least five days previous to each regular session of the general assembly, which report shall give information and statistics of the public schools, and recommend such improvement in the school law as may occur to him. He shall keep his office at the seat of government, and shall sign all requisitions on the auditor for the payment of money out of the state treasury for school purposes. Copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall be furnished with such room, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office.

Sec. 2541. Duty of superintendent to direct operations of system of public schools, &c. 1881, c. 200, s. 11.

The superintendent of public instruction shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. It shall be his duty to correspond with leading educators in other states, and to investigate the systems of public schools established in other states, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the legislature and state board of education.

Sec. 2542. Duty of superintendent to learn and supply educational wants, &c.; expenses allowed, not exceeding five hundred dollars per annum. 1881, c. 200, s. 12.

It shall be the duty of the superintendent of public instruction to acquaint himself with the peculiar educational wants of the several sections of the state, and he shall take all proper means to supply said wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes, and by addresses to public assemblies on subjects relating to public schools and public school work, and shall be allowed his additional expenses while engaged in this duty, not to exceed the sum of five hundred dollars *per annum*.

Sec. 2543. Funds appropriated for establishing and maintaining system of free schools to be paid into state treasury. 1881, c. 200, s. 13.

The proceeds of all lands that have been or may hereafter be granted by the United States to this state, and not otherwise appropriated by this state or the United States, also all moneys, stocks, bonds and any other property now belonging to any state fund, for the purposes of education, also the net proceeds of sales of swamp lands belonging to the state, and all other grants, gifts or devises that have been made or hereafter may be made to this state, and not otherwise appropriated by this state or by the terms of the grant, gift or devise, shall be paid into the state treasury, and, together with so much of the ordinary revenue of the state as may be set apart for that purpose, shall be faithfully appropriated for establishing and maintaining a system of free public schools, as established in pursuance of the constitution.

Sec. 2544. Funds so appropriated to be paid into county school fund. 1881, c. 200, s. 14.

All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from sales of estrays, also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the state; and all moneys which shall be paid by persons as equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials or spirituous liquors and to auctioneers, shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and main-

taining free public schools in the several counties as established in pursuance of the constitution: *Provided*, the amount collected in each county shall be reported annually to the state superintendent of public instruction.

Sec. 2545. County board of education; officers. 1881, c. 200, s. 15.

The board of county commissioners of each county shall constitute a board of education for the county. The chairman of the board of county commissioners shall be the chairman, the register of deeds the secretary, and the county treasurer the treasurer of the county board of education, and a majority of the board shall constitute a quorum for the transaction of business:

Com'rs v. Magnin, 78—181; *Clifton v. Wynne*, 80—145.

Sec. 2546. Duties of county board of education. 1881, c. 200, s. 16. 1883, e. 121, s. 2.

The county board of education shall be charged with the general management of the public schools in their respective counties, shall decide all controversies and questions relating to the boundaries of school districts and to the location of school houses, or which may arise upon the construction of the school law, and shall see that the school law is enforced.

Com'rs v. Magnin, 78—181; *Clifton v. Wynne*, 80—145.

Sec. 2547. Meetings; proviso; books of county treasurer to be examined, &c. 1881, c. 200, s. 17.

The county board of education of each county shall hold two regular meetings every year, namely, on the first Mondays of June and December, for the purpose of looking after the interests of the public schools: *Provided*, the chairman may call a meeting of the board at any time. At each regular meeting it shall be the duty of the board to examine the books and vouchers of the county treasurer, and to audit his accounts, and report to the superintendent of public instruction a full account of all school funds received and disbursed by the county treasurer.

Sec. 2548. County superintendent of public instruction; term of office; election biennial; vacancies; secretary to report name, &c., to state superintendent; suspension and removal of county superintendent; powers of school committee. 1881, c. 200, s. 19. 1883, e. 121, s. 4.

The county board of education and the board of justices

of the peace in joint session shall, on the first Monday in June, one thousand eight hundred and eighty-four, and biennially thereafter, elect by ballot one resident of their county, of good moral character and of liberal education, as county superintendent of public instruction, who shall hold his office for a term of two years from and after the first Monday of the following December, and until his successor is elected and qualified: *Provided*, if a vacancy should at any time occur, the same shall be filled by said joint boards. Immediately after the election of superintendent, the secretary of the county board of education shall report to the state superintendent the name and address of the person elected: *Provided further*, the county board of education may, for good cause, after thirty days' formal notice, suspend the county superintendent until the next joint meeting of the said boards, when he may be removed from his office, if sufficient cause shall exist therefor, and the said boards shall proceed to fill the vacancy: *Provided also*, when a vacancy occurs in the office of county superintendent of public instruction, the school committee of any school district in such county shall be empowered to employ and dismiss teachers in such district during the vacancy, and determine their pay per month, subject to the approval of the county board of education, and the treasurer of the county shall be authorized to pay the teacher so employed upon his presenting his certificate from the district committee, bearing upon it the written approval of the county board of education.

Sec. 2549. School districts. 1881, c. 200, s. 20. 1883, c. 174.

The County board of education shall lay off their respective counties into convenient school districts, consulting as far as practicable the convenience of the neighborhood. They shall designate the districts by number, as school district number one, school district number two, in the county of

Sec. 2550. Convenience of residents to be consulted in formation of districts; separate schools for the two races. 1881, c. 200, s. 21.

The county board of education shall consult the convenience of the white residents in settling the boundaries of districts for the white schools, and of colored residents in settling boundaries for colored schools. The schools of the two races shall be separate; the districts the same

in territorial limit or not, according to the convenience of the parties concerned. In cases where there are two sets of districts in a county, they shall be designated as school district number one, two, three, &c., for white schools, or school district number one, two, three, &c., for colored schools, in the county of

Sec. 2551. County board of education to apportion county school fund among districts; sums so apportioned subject to order of school committees. 1881, c. 200, s. 22. 1881, c. 201. 1883, c. 121, s. 5.

The county board of education of every county shall, on the first Monday of January, of each year, apportion among the several districts in the county, according to the number of children in each, between the ages of six and twenty-one years (which number shall be ascertained by a census to be taken by the school committees and reported to the county board of education), all school funds, except such as may be raised by the special tax provided for in section twenty-five hundred and ninety, specifying how much thereof is apportioned to the children of each race, and give notice thereof to the school committees of the several districts of the county, and shall publish the same by advertisement posted on the court house door of each county, and furnish the county treasurer with the amounts apportioned among the several school districts and the amount to which each district is entitled. The sums thus apportioned to the several districts shall be subject to the orders of the school committees thereof, for payment of the school expenses mentioned in this chapter: *Provided*, in no case shall the school fund thus apportioned to either race be expended for the education of the other race: *Provided further*, so much of said school fund as shall not be expended in any school district for the education of the race for which it was apportioned in any year, shall remain to the credit of said race in said school district for the year next ensuing. As far as practicable, the county board of education shall require all the schools to begin on the same day.

Sec. 2552. Basis of annual apportionment of public school moneys. 1881, c. 200, s. 23. 1883, c. 121, s. 6.

The annual apportionment of public school moneys shall be based upon the amounts actually received by the county treasurer from all sources and reported by him to the county board of education as required by this chapter.

But a sufficient amount of money shall be left unapportioned to pay the general school expenses of the county authorized by this chapter.

Sec. 2553. School committee, their duties; vacancies, &c. 1881, c. 200, s. 24.

For each white and each colored school district there shall be elected biennially by the county board of education of the respective counties, on the Tuesday after the first Monday in October, a school committee of three persons, whose term of service shall begin the first Monday of December following, and whose duties shall be as prescribed in this chapter. If a vacancy should at any time occur, it shall be the duty of the county board of education to appoint a suitable resident of the school district to fill such vacancy, and the person thus appointed shall exercise all the powers and duties of a school committeeman until his successor is elected and qualified. For sufficient cause, after thirty days' formal notice, the county board of education may remove a school committeeman and proceed at once to fill the vacancy thus created.

Sec. 2554. County treasurer to receive and disburse school fund; his bond; misdemeanor, &c. 1881, c. 200, s. 25.

The county treasurer of each county shall receive and disburse all public school funds; but, before entering upon the duties of his office, he shall execute a justified treasurer's bond, with security in double the amount of all public school moneys received by him or by his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county board of education, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended, and the county board of education may, from time to time, if necessary, require him to strengthen said bond, and in default thereof the members of the county board of education shall be guilty of a misdemeanor; and for any breach of said bond, action shall be brought by the county board of education.

Com'rs v. Magnin, 78—181; *Clifton v. Wynne*, 80—145; *Com'rs v. Magnin*, 86—285.

Sec. 2555. Orders, how issued upon treasurer of county board of education; proviso; payments for building or repairing school houses. 1881, c. 200, s. 26. 1883, c. 121, ss. 8, 9.

All orders upon the treasurer of the county board of

education for school money for the payment of teachers, duly countersigned by the county superintendent of public instruction, and all orders for the purchase of sites for school houses and for the cost of building, repairing and furnishing school houses, shall be signed by the school committee of the district in which the school is taught, or in which the site or school house is situated, which orders, duly indorsed by the person to whom the same are payable, shall be the only valid vouchers in the hands of the treasurer of the county board of education, to be paid out of the funds apportioned to the district in which the school house is erected: *Provided*, the said treasurer shall not pay any school money for building or repairing any school house, unless the site on which it is located has been donated to or purchased by the school committee of the district in which said house is located, and a deed for the same regularly executed and delivered to said committee and their successors in office, probated, registered in the office of register of deeds for the county, and delivered to the treasurer of the county board of education, to be by him safely deposited with his valuable official papers, and surrendered to his successor in office, and for default he shall be liable on his official bond for any sum thus illegally paid. No order given by a school committee of any district for maps, charts, globes or other school apparatus, shall be valid unless the same be indorsed by the county superintendent of public instruction and approved by the county board of education.

Com'rs v. Magnin, 86—285.

Sec. 2556. Duties of treasurer of county board of education. 1881, c. 200, s. 27. 1883, c. 121, s. 11.

It shall be the duty of the treasurer of the county board of education to keep a book in which he shall open an account with each public school district in the county, showing the amount apportioned to said district, distinguishing the moneys due to the white and the colored districts, the date of all payments of school moneys, the name of the person to whom paid and the several amounts. He shall balance the accounts of each district annually on the thirtieth day of November in each and every year, and shall report by letter or printed circular, within ten days after each apportionment, to each school committee the amount apportioned to the respective districts for the year, together with the balance which may be due any of the said districts from the preceding year.

Sec. 2557. Treasurer to furnish blank deeds to school committees; form of deed; when land to revert. 1881, c. 200, s. 28. 1883, c. 121, s. 10.

It shall be the duty of the treasurer of the county board of education to furnish school committeemen with blank deeds for school house sites. If a school house site has been purchased, an ordinary fee simple deed shall be executed. If a site has been donated, the donor may provide in the deed of gift that the title to the site, but not to the improvements, shall revert to him or his heirs in case the same shall cease to be used for school purposes for the space of three years.

Sec. 2558. Treasurer to make report to county board of education. 1881, c. 200, s. 29.

The treasurer of the county board of education shall, on the first Monday in December in each year, report to said board the amount of money received from the sheriff for public school purposes, said report to show in detail the amounts received respectively from property tax, poll tax, liquor licenses, auctioneers, and from such other sources as may be taxed by the general assembly for school purposes. He shall also report, at the same time, the amount of moneys received by him from fines, forfeitures and penalties and from the state treasurer and other sources for public school purposes.

Sec. 2559. Treasurer to produce books, vouchers, &c., when required by board. 1881, c. 200, s. 30.

The treasurer of the county board of education shall, when required by said board, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at each settlement required by this chapter.

Sec. 2560. Treasurer to make report to state superintendent of public instruction. 1881, c. 200, s. 32.

The county treasurer of each county shall report to the state superintendent of public instruction on the first day of December of each year, the entire amount of school money received by him during the preceding school year, the several sources from which it was derived and the disbursements thereof made by him, designating the sums paid to teachers for the white and colored children respectively and for school houses and school house sites, in the several districts. He shall also report to the state superintendent of public instruction,

specifically, and in detail by items, the amounts paid out for other purposes.

Sec. 2561. Treasurer to keep account of public school moneys. 1881, c. 200, s. 33.

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

Sec. 2562. Treasurer failing to report to said superintendent, guilty of misdemeanor. 1881, c. 200, s. 34 1883, c. 121, s. 13.

Any treasurer of a county board of education failing to make the report required of him at the time and in the manner prescribed shall be guilty of a misdemeanor, and be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

Sec. 2563. Sheriff to pay annually in money to treasurer of the county board, amount of state and county taxes levied for school purposes, &c.; misdemeanor; penalty; action on bond. 1881, c. 200, s. 35. 1881, c. 201.

The sheriff of each county shall pay annually in money to the treasurer of the county board of education thereof, on or before the thirty-first day of December of each year, the whole amount levied, less such sum or sums as may be allowed on account of insolvents for the current year, by both state and county, for school purposes; and, on failure so to do, shall be guilty of a misdemeanor, and fined not less than two hundred dollars and be liable to an action on his official bond for his default in such sum as will fully cover such default, said action to be brought to the next ensuing term of the superior court and upon the relation of the board of county commissioners for and in behalf of the state.

Sec. 2564. Sheriff to take duplicate receipts, &c. 1881, c. 200, s. 36.

The sheriff or other collecting officer shall take duplicate receipts of the treasurer of the county board of education for such payments as he may make under this chapter, one copy of which shall be transmitted to the auditor of the state.

Sec. 2565. Duties of secretary of county board of education. 1881, c. 200, s. 37.

The secretary shall record all of the proceedings of the county board of education, issue all notices and orders that may be made by said board pertaining to the public schools, school houses, sites or districts (which notices or orders it shall be the duty of the secretary to serve by mail, or by personal delivery without cost), and record all school statistics, which shall be reported to the county board of education by the county superintendent of public instruction. The county board of education shall provide the secretary with a suitable book in which to make the records required by this section.

Sec. 2566. Examination of applicants for teachers' certificates by county superintendent of public instruction; grades of certificates valid for one year in county where issued; what to be taught in public schools; proviso. 1881, c. 200, s. 38. 1883, c. 121, s. 15.

The county superintendent of public instruction of each county shall examine all worthy applicants for teachers' certificates at the court house in the county, on the second Thursdays of July, October, January and April of every year, and continue the examination from day to day, during the remainder of the week, if necessary, till all applicants are examined; and for examinations made at any other time, the applicant shall pay one dollar. The grade of the certificate to which the applicants may be entitled shall conform to the following standard of excellence: that is, one hundred being the maximum, a certificate shall not issue to any applicant who makes less than fifty *per centum* in any one branch, or whose general average is less than seventy *per centum*. A general average of ninety *per centum* and over shall entitle an applicant to a first grade certificate; a general average of eighty *per centum* or more shall entitle the applicant to a second grade certificate; and a general average of seventy *per centum* or more shall entitle an

applicant to a third grade certificate. The certificates shall be valid for one year from their dates and only in the county in which they were issued. No branches shall be taught in the public schools except spelling, defining, reading, writing, arithmetic, English grammar, geography, and the history of the state and United States: *Provided*, the school committee may make special arrangements to allow other branches to be taught.

Sec. 2567. Teachers' institutes; teachers required to attend. 1881, c. 200, s. 39.

The board of education of any county may annually appropriate an amount not exceeding one hundred dollars out of the school funds of the county for the purpose of conducting one or more teachers' institutes for said county; or the county commissioners of two or more adjoining counties may, if in their judgment deemed proper, donate an amount not exceeding one hundred dollars to each county, for the purpose of conducting a teachers' institute for said counties, at some convenient and satisfactory point, and the public school teachers of the said county or counties are required to attend said institutes, which latter shall be open also to any teachers in the county or counties who may be desirous to attend them.

Sec. 2568. County superintendent to have charge of institute, &c. 1881, c. 200, s. 40.

A county teachers' institute, under the preceding section, shall be under the supervision of the county superintendent of public instruction. In the event of a joint county teachers' institute, the supervision thereof shall be vested in a president to be elected by the institute from among the county superintendents present.

Sec. 2569. Duties of county superintendent of public instruction; power; suspension of teacher. 1881, c. 200, s. 41. 1883, c. 121, s. 15.

It shall be the duty of the county superintendent of public instruction to advise with the teachers as to the best methods of instruction and government, and to that end he shall keep himself thoroughly posted as to the progress of education in other counties, cities and states; he shall have authority to correct abuses, and to this end he may with the concurrence of a majority of the school committee of the district in which he is employed suspend any teacher who may be guilty of any immoral or

disreputable conduct, or who may prove himself incompetent to discharge efficiently the duties of a public school teacher, or who may be persistently neglectful of said duties.

Sec. 2570. County superintendent to distribute blanks, &c. 1881, c. 200, s. 42.

It shall be the duty of the county superintendent of public instruction to distribute to the various school committees of his county all such blanks as may be furnished by the state superintendent of public instruction for reports of school statistics of the several districts; also blanks for teachers' reports and for orders on the treasurer of the county board of education for teachers' salaries; he shall also distribute to the school committees school registers for their respective districts; he shall advise with said committees as to the best methods of gathering the school statistics contemplated by such blanks, and, by all proper means, shall seek to have such statistics fully and promptly reported.

Sec. 2571. County superintendent to countersign orders on treasurer of county board for payment of teachers' salaries. 1881, c. 200, s. 43.

It shall be the duty of the county superintendent of public instruction to countersign all orders given by the several school committees upon the treasurer of the county board of education in payment of teachers' salaries, and it shall not be lawful for the said treasurer to pay such orders unless the same have been countersigned by the county superintendent of public instruction: *Provided*, the said county superintendent shall not have authority to countersign any such order until the teacher, in whose favor it is drawn, shall have made the reports to the county superintendent required by this chapter.

Sec. 2572. County superintendent to deliver to county board catalogue of teachers, &c. 1881, c. 200, s. 44.

The county superintendent of public instruction shall deliver to the county board of education, on or before the first Monday in December in every year, a catalogue of all the teachers to whom he gave certificates during the year.

Sec. 2573. County superintendent to report to state superintendent number, &c., of teachers, schools, &c. 1881, c. 200, s. 45.

It shall be the duty of the county superintendent of

public instruction of each county, on or before the first Monday in December of every year, to report to the state superintendent of public instruction an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race; the number of pupils of each race enrolled in said schools; their average attendance; the number of females; the average length of the terms of said schools and the average salary, respectively, of the white and colored teachers; also full and accurate statistics of the number of school children in the county, giving race and sex; the number of school districts for each race and the number of public school houses and the value of public school property for each race; the number of teachers' institutes held and the number of teachers that attended such institutes; together with such suggestions as may occur to him promotive of the school interests of the county.

Sec. 2574. County superintendent to file copy of report to state superintendent in office of secretary of county board; to turn over to secretary census reports, &c. 1881, c. 200, s. 46.

The county superintendent of public instruction shall file a copy of his annual report to the state superintendent of public instruction, in the office of the secretary of the county board of education, and he shall also turn over to the said secretary the census reports and school statistics as reported to him by the school committees of the several districts, to be recorded by said secretary in pursuance of this chapter.

Sec. 2575. Compensation of county superintendent. 1881, c. 200, s. 47. 1883, c. 121, ss. 16, 17.

Each county superintendent of public instruction who shall comply with this chapter shall receive, as compensation for his services, two dollars per day for all days necessarily engaged in the discharge of the duties of his position, of which said service he shall present, monthly, to the county board of education, an itemized account, with an affidavit attached, that the services therein charged, have been in fact rendered, whereupon if approved by the county board of education it shall be the duty of the chairman and secretary of said board to draw an order on the treasurer of the county board of education for the amount due the county superintendent by

virtue of this section. This order shall be paid by the said treasurer out of the school funds: *Provided*, his salary shall not exceed three per centum of the school fund apportioned in the county.

Sec. 2576. Oath of school committeemen. 1881, c. 200, s. 48.

Before entering upon the duties of their office the school committeemen shall take an oath before a justice of the peace for the faithful discharge of the duties of their office.

Sec. 2577. Meeting of school committee; chairman; clerk; record to be kept. 1881, c. 200, s. 49.

The school committee of each school district, within fifteen days after their election or appointment, shall meet at some convenient point within the school district, and organize by electing one of their number chairman, and another of their number clerk, of the school committee, and the said clerk shall keep a record of the proceedings of said committee in a book provided for that purpose.

Sec. 2578. School committee to be a body corporate; name. 1881, c. 200, s. 50.

The school committee of each school district shall be a body corporate by the name and style of "The school committee of district number, in the county of," and by that name shall be capable of purchasing and holding real and personal estate, and of selling and transferring the same for school purposes, and of prosecuting and defending suit for or against the corporation. All conveyances to school committees shall be to them and their successors in office.

Clifton v. Wynne, 80—145.

Sec. 2579. School committee to take annual census of children; to report number of school houses to county superintendent, &c. 1881, c. 200, s. 51.

It shall be the duty of the school committee of each district to take and return to the county superintendent of public instruction, on or before the first day of September in every year, a full and accurate census of the children between the ages of six and twenty-one years, designating the race and sex. And the said committee shall also report to the said county superintendent the number of public school houses and the value of all public school property for each race, separately.

Sec. 2580. School committee authorized to employ and dismiss teachers, and to fix their pay; to receive no compensation, but to be exempt from jury service and work on roads. 1881, c. 200, s. 52. 1883, c. 121, s. 18.

The school committee shall have authority to employ and dismiss teachers of the schools within their respective districts, and shall determine the pay per month to be paid to teachers in said schools: *Provided*, no teacher shall be employed who does not produce a certificate from the county superintendent of public instruction, dated within the time prescribed by this chapter: *Provided further*, teachers of the third grade shall not receive out of the school fund more than fifteen dollars per month; of the second grade not more than twenty-five dollars per month, and teachers of the first grade shall receive such sum as may be determined by the committee; but no teacher shall receive any compensation for a shorter term than one school month of twenty days, unless providentially hindered. No committeeman shall be a teacher, nor shall he in any way be interested, by contract or otherwise, in the erection or repairing of any school house in his district; he shall receive no compensation for his services, but shall be exempt from jury service and from working on the public roads.

Sec. 2581. Teachers to render statement of number of pupils, &c., to school committee; when order for payment of teachers to be given. 1881, c. 200, s. 53.

At the end of every term of a public school, the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, male and female; the average daily attendance, the length of term and the time taught. If the committee are satisfied that the provisions of this chapter have been complied with, they shall give an order on the treasurer of the county board of education, payable to said teacher, for the full amount due for services rendered.

Sec. 2582. School committee empowered to receive gifts, &c.; deed, how executed; proceeds of sale; to have care of school house, &c., and to sell the same, &c.; original grantor to have option to repurchase school house site when resold. 1881, c. 200, s. 54. 1883, c. 121, s. 19.

The school committee may receive any gift, grant, donation or devise, made for the use of any school or schools

within their jurisdiction, and in their corporate capacity they shall be entrusted with the care and custody of all school houses, school house sites, grounds, books, apparatus or other public school property belonging to their respective jurisdictions, with full power to control the same as they may deem best for the interest of the public schools and the cause of education. When, in the opinion of the committee, any school house, school house site or other public school property, has become unnecessary for public school purposes, they shall sell the same at public auction, after advertisement for twenty days at three public places in the county. The deed for the property thus sold shall be executed by the chairman and clerk of the committee, and the proceeds of the sale shall be paid to the treasurer of the county board of education for the school expenses in said school district: *Provided*, the committee shall first offer the site and improvements to the original grantor, donor or his heirs, at a price fixed by the committee. And in the event of a disagreement as to the price, the committee shall select one discreet and disinterested person, and the grantor, donor or his heirs shall select another such person, to value and appraise the property, and in the event they cannot agree, they shall call to their aid an umpire; and upon the payment of the price thus fixed the committee shall convey, by proper deed, the property to the original grantor, donor or his heirs.

Sec. 2583. Empowered to receive sites for school houses by donation or purchase; in case of purchase, approval of chairman and secretary of county board necessary; title; proceeding to condemn land for school house site. 1881, c. 200, s. 55.

The school committee may receive suitable sites for school houses by donation or purchase. In the latter case they shall report the price to the chairman and secretary of the county board of education. If the latter are satisfied that the price is not excessive, they shall approve the order of the committee on the treasurer of the county board of education for the purchase money, and upon payment of the order, the title to said site shall vest in the committee and their successors in office. Whenever the committee are unable to obtain a suitable site for a school by gift or purchase, they shall report to the county board of education, and the latter shall thereupon appoint three disinterested citizens, who shall lay off not more than one acre, and assess the cash value

thereof and report their proceedings to the county board of education. If said report is confirmed by the board, the chairman and secretary shall approve the order which the district school committee shall give on the treasurer of the county board of education in favor of the owner of the land thus laid off, and upon payment or offer of payment of this order, the title to said land shall vest in the school committee and their successors in office: *Provided*, improved land shall not be condemned under this section: *Provided further*, any person aggrieved by the action of said board may appeal to the superior court of the county in which said land is situate, upon giving bond to secure the board against such costs as they may incur on account of said appeal not being prosecuted with effect.

Sec. 2584. School committee to deliver deeds to treasurer of county board. 1881, c. 200, s. 56.

The school committee in each district shall deliver to the treasurer of the county board of education all deeds for school house sites and other school property, to be recorded, if not already recorded, and deposited with said treasurer for safe-keeping as provided in this chapter.

Sec. 2585. Duties of teachers; dismissal of pupil. 1881, c. 200, s. 57.

It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools, to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all the branches which they are required to teach. If any pupil shall wilfully and persistently violate the rules of the school, such pupil may be dismissed by the teacher for the current term.

Sec. 2586. Teachers to keep daily records concerning pupils; grades in scholarship, in deportment; report to be made to county superintendent. 1881, c. 200, s. 58.

Every teacher or principal of a school to which aid shall be given under this chapter shall keep a daily record of all absences of pupils and of the grade in scholarship and deportment of each. The grade in scholarship shall be indicated by the numbers one, two, three, four and five, one representing the highest or first grade and five the lowest, and the three intermediate numbers the three intermediate grades. The grades in deportment shall be represented by the same numbers and in the same order. At the end of every term every principal or teacher of a

public school shall report to the county superintendent of public instruction the length of term of school, the race for which it was taught, the number, sex and average daily attendance of the pupils, and the number of the district in which the school was taught.

Sec. 2587. School year. 1881, c. 200, s. 59.

The school year shall begin on the first Monday in December.

Sec. 2588. Every school receiving aid under this chapter to be a public school. 1881, c. 200, s. 60.

Every school to which aid shall be given under this chapter shall be a public school, to which all children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition: *Provided*, the admission of pay students shall be under the direction of the committee.

Sec. 2589. Tax of twelve and a half cents on every one hundred dollars of property and credits to be levied for support of public schools; poll-tax of thirty-seven and a half cents. 1881, c. 200, s. 61.

In addition to the state and county capitation taxes, appropriated by the constitution, and other revenues for the support of the public schools, there shall be levied and collected every year for the maintenance and support of the public schools twelve and a half cents on every one hundred dollars worth of property and credits in the state, and thirty-seven and a half cents on every poll in addition to the taxes in the revenue law.

Sec. 2590. If taxes insufficient to maintain public schools for four months, board of commissioners to levy special tax; how collected, &c. 1881, c. 200, s. 62.

If the tax levied in this chapter for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the board of county commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months. The said taxes shall be collected by the sheriff, in money, and he shall be subject to the same liabilities for the collection and accounting for said tax as he is or may be in regard to other county taxes. The said tax shall be levied on all property, credits and polls of the county, and in the as-

assessment of the amount upon each, the commissioners shall observe the constitutional equation of taxation; and the fund thus raised shall be appropriated in the county in which it is collected, in such manner as the county board of education may find necessary to continue the schools four months *per annum*.

Sec. 2591. School committee empowered to contract with teacher of private school; proviso. 1883, c. 121, s. 20.

In any school district where there may be a private school, regularly conducted for at least nine months in the year, the school committee may contract with the teacher of such private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this chapter, without charge and free of tuition; and such school committee may pay such teacher for such services out of the public school funds apportioned to the district, and the agreement as to such pay shall be arranged between the committee and teacher: *Provided*, any teacher so employed shall obtain a first grade certificate before beginning his work, and shall from time to time make such reports as are required of other public school teachers under this chapter.

Sec. 2592. Misdemeanor to wilfully disturb any school, &c. 1881, c. 200, s. 63.

Every person who shall wilfully interrupt or disturb any public or private school, or any meeting lawfully and peacefully held for the purpose of literary or scientific improvement, either within or without the place where such meeting or school is held, or injure any school building, or deface any school furniture, apparatus or other school property, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not more than thirty days.

Sec. 2593. State superintendent of public instruction authorized to employ clerk; his salary, how paid. 1881, c. 200, s. 64.

The state superintendent of public instruction is authorized to employ a clerk at a salary of six hundred dollars *per annum*, which shall be paid quarterly by the state treasurer, on the warrant of the auditor, out of any funds which may be in the treasury not otherwise appropriated.

LOCAL ASSESSMENTS IN AID OF PUBLIC SCHOOLS.

Sec. 2594. **Petition to commissioners for special tax in school districts for white and colored schools respectively; notice; commissioners to decide; amount of tax; commissioners to issue order to school committee to hold election; notice of, &c. 1883, c. 148, s. 1.**

Upon a written petition, signed by ten white voters of any school district for white children, or by a like number of colored voters of any school district for colored children, it shall be the duty of the board of county commissioners wherein such district is located, to post a notice, signed by their chairman, at three public places in such district, notifying the white or colored taxpayers, as the case may be, that they will be heard at the next regular meeting of said board as to submitting to the voters the levying and collecting an assessment in such district in aid of the public school in said district. At said meeting the board shall hear all persons who may desire to be heard, and shall decide whether the question shall be submitted to the said voters or not; and if they decide to submit the question to the voters, they shall also decide what per cent., not exceeding twenty-five cents on the hundred dollars' valuation of property and seventy-five cents on the poll, shall be collected on property and the amount on polls respectively, and shall issue a written order, signed by the chairman of said board, to the school committee of such district, to submit to the qualified white or colored voters of such district, as the case may be, whether an annual assessment shall be levied and collected therein for the support of the public school in said district for the white children, or for the colored children, as the case may be. Said committee shall give thirty days' written or printed notice of the time and place at which said election shall be held, and the said notice shall be posted at three public places in said district. Said committee, or a majority of them, after being sworn by a justice of the peace, shall open the polls, hold said election, count the votes and shall report to the board of county commissioners at their next regular meeting after said election the result thereof. Each voter shall deposit a ballot, upon which shall be written or printed the word "assessment" or the words "no assessment;" and said election shall be held and conducted in all other respects under the same rules, regulations and penalties as are prescribed for the election of members of the general assembly.

Sec. 2595. Upon affirmative vote, clerk of commissioners to make out tax list; duty of school committee; sheriff to collect tax; liability of sheriff's bond. 1883, c. 148, s. 2.

In case a majority of the votes cast at said election shall be in favor of such assessment, the board of commissioners shall direct their clerk to make out from the tax list of the township in which such district is situated a list of all the taxable property and polls of the white or colored tax payers, as the case may be, in such district, and it shall be the duty of the school committee of such district to aid the clerk in making out said list, and the clerk shall deliver said list to the sheriff of the county with an order signed by him commanding the sheriff to collect the assessment in like manner as provided for the collection of state and county taxes, and the sheriff shall collect and pay over the same to the county treasurer. And the sheriff's official bond shall be liable therefor, as provided in case of county school tax.

Sec. 2596. Election not to be held oftener than once a year. 1883, c. 148, s. 3.

No election under the two preceding sections shall be held more than once in any one year.

Sec. 2597. Tax collected from white persons applicable to support of white schools; and that from colored persons to support of colored schools. 1883, c. 148, s. 4.

The assessment thus levied and collected from the taxable property and polls of white persons, shall be expended in aiding to keep up the public school in said district for white children of both sexes between the ages of six and twenty-one years; and the assessment thus levied and collected from the taxable property and polls of colored persons shall be expended in aiding to keep up the public school in said district for colored children of both sexes between the ages of six and twenty-one years.

Sec. 2598. County treasurer to receive and disburse tax; liability of bond. 1883, c. 148, s. 5.

The treasurer of any county wherein such assessment shall be levied and collected, shall receive and disburse the same; and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this chapter.

Sec. 2599. Tax collected subject to order of school committee for payment of teachers; proviso. 1883, c. 148, s. 6.

The assessment thus collected shall be subject to the orders of the school committee of such district for payment of teachers: *Provided*, so much of the assessment as shall not be expended in any school district in any one year, shall remain to the credit of said school district for the ensuing year.

Sec. 2600. Order on treasurer for payment of teachers. 1883, c. 148, s. 7.

All orders upon the county treasurer for the payment of teachers shall be duly countersigned by the county superintendent of public instruction, and signed by the school committee of the district in which the school is taught and paid out of said assessment, and such orders, when duly indorsed by the person to whom the same are made payable, shall be the only valid vouchers in the hands of said treasurer.

Sec. 2601. Duty of treasurer. 1883, c. 148, s. 8.

It shall be the duty of the county treasurer to keep a book in which he shall open an account with each school district showing the amount of assessment collected and paid by the white districts and by the colored districts respectively, the date of all payments, the name of the person to whom paid, and the amount of such payments; he shall balance the accounts of each district on the thirtieth day of November in each year, and shall report, by letter or by printed circular, to each school committee the balance due each district from the preceding year.

Sec. 2602. Treasurer to make annual report to board of commissioners. 1883, c. 148, s. 9.

Said treasurer shall, on the first Monday in December of each year, report to said board the amount of money received from the sheriff from each school district; said report shall show the amounts received respectively from assessments paid by the white and colored persons on property and polls.

Sec. 2603. Books, &c., of treasurer subject to examination of board of commissioners. 1883, c. 148, s. 10.

The county treasurer shall, when required so to do by said board, produce his books and vouchers for examination, and shall also exhibit all moneys due said districts at each settlement required by this chapter.

Sec. 2604. Compensation of treasurer. 1883, c. 148, s. 11.

The said treasurer shall receive as compensation in full for all services required of him by the provisions of this chapter concerning local assessments, not exceeding two and a half per cent. on amount of receipts and disbursements, as the board may allow.

Sec. 2605. County treasurer to report to state superintendent of public instruction. 1883, c. 148, s. 12.

The treasurer of each county shall report to the state superintendent of public instruction, on the first day of December of each year, the entire amount received by him under the local assessments provided for in this chapter during the preceding school year, the amount received from property and polls of the white and the colored districts respectively, and the disbursements thereof made by him, designating the amounts paid to teachers for the whites and the colored respectively.

Sec. 2606. Sheriff to pay in money, tax collected, to county treasurer, &c.; misdemeanor; action on bond. 1883, c. 148, s. 13.

The sheriff of each county shall pay in money to the treasurer thereof, on or before the first day of February of each year, the whole amount collected, less such sum as may be allowed on account of insolvents for the current year, and on failure so to do, shall be guilty of a misdemeanor, and fined not less than two hundred dollars, and shall also be liable to an action on his official bond for his default in such sum as will fully cover such default, said action to be brought to the next ensuing term of the superior court, and upon the relation of the board of county commissioners for and in behalf of such district.

Sec. 2607. County superintendent of public instruction to countersign orders on treasurer. 1883, c. 148, s. 14.

It shall be the duty of the county superintendent of public instruction to countersign all orders given by the several school committees upon the treasurer in payment of teachers' salaries, and it shall not be lawful for the said treasurer to pay such orders unless the same have been countersigned by the county superintendent of public instruction: *Provided*, that the said county superintendent shall not have authority to countersign any

such order until the teacher in whose favor it is drawn shall have made the reports to the county superintendent required by this chapter to be made by the teachers of public schools.

Sec. 2608. Teachers to report to school committee number of pupils, &c.; committee to give teacher order on county treasurer. 1883, c. 148, s. 15.

At the end of each term of such school the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, male and female; the average daily attendance and the length of time taught. If the committee are satisfied that the provisions of this chapter concerning local assessments in aid of public schools have been complied with, they shall give an order on the treasurer, payable to said teacher, for the full amount due for services rendered.

Sec. 2609. Use of public school houses. 1883, c. 148, s. 16.

Public school houses may be used for the schools provided for in this chapter, concerning local assessments.

UNIVERSITY OF NORTH CAROLINA.

[CONST., ART. IX, SS. 6, 7, 14.]

Sec. 2610. Incorporation of University. R. S., vol. II, p. 424. 1789.

WHEREAS, in all well-regulated governments, it is the indispensable duty of every legislature to consult the happiness of a rising generation, and endeavor to fit them for an honorable discharge of the social duties of life, by paying the strictest attention to their education; and whereas, a university supported by permanent funds, and well endowed, would have the most direct tendency to answer the above purpose: The trustees of the University shall be a body politic and corporate, to be known and distinguished by the name of The University of North Carolina, and by that name shall have perpetual succession and a common seal; and the trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all moneys, goods and chattels that shall be given them for the use of the said University, and to apply the same according to the will of the donors; and by gift, purchase or devise to take, have,

receive, possess, enjoy and retain to them and their successors forever, any and all real and personal estate and funds, of whatsoever kind, nature or quality, the same may be, in special trust and confidence, that the same, or the profits thereof, shall be applied to and for the use and purpose of establishing and endowing the said University.

Sec. 2611. Authority of trustees. R. S., vol. II, 425. 1789.

The said trustees and their successors, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, devise, alien or dispose of and convey and assure to the purchasers, any and all such real and personal estate and funds aforesaid, when the condition of the grant to them, or the will of the devisor, does not forbid it. And further, that they, the said trustees, and their successors, forever, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts whatsoever; and they shall have power to open and receive subscriptions, and in general they may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

Sec. 2612. Treasurer and his duties. R. S., vol. II, p. 426. 1789.

The trustees shall elect and commission some person to be treasurer for the said University during the term of two years, and until his successor shall be elected and qualified; which treasurer shall enter into bond, with sufficient securities, payable to the state of North Carolina, in the sum of not less than ten thousand dollars, conditioned for the faithful discharge of his office, and the trust reposed in him; and that all moneys and chattels belonging to the said corporation that shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all moneys, donations, gifts, bequests and charities whatsoever, that may belong or accrue to the said University during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same proceedings may be had against him, as is or may be pro-

vided for the recovery of moneys from sheriffs or other persons chargeable with public moneys.

Sec. 2613. Trustees to appoint president and faculty, and confer degrees. R. S., vol. II, p. 427. 1789.

The trustees shall have the power of appointing a president of the University and such professors, tutors and other officers as to them shall appear necessary and proper, whom they may remove for misbehavior, inability or neglect of duty; and they shall have the power to make all such laws and regulations for the government of the University and preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary; provided the same are not contrary to the inalienable liberty of a citizen, or to the laws of the state. And the faculty of the University, that is to say, the president and professors, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction, as are usually conferred by colleges or universities.

Sec. 2614. Property exempt from taxation. R. S., vol. II, p. 428. 1789.

The lands and other property belonging to the University aforesaid, shall be exempt from all kinds of public taxation.

Sec. 2615. Governor, *ex officio*, president. R. S., vol. II, p. 432. 1821.

The governor, for the time being, shall be president of the board of trustees of the University, and as such shall preside at all the meetings of the said board at which he may be present; and if, by indisposition or other cause, the governor shall be absent from any meeting of the board, he may appoint, in writing, some other person, being a trustee, to act as president, for the time being, and who shall preside accordingly; and if at any time the governor shall be absent at the meeting of the board and shall not have appointed as aforesaid a president, it shall be lawful for the board to appoint a president for the time being who shall preside as such.

Sec. 2616. Meetings of trustees. R. S., vol. II. p. 433. 1821.

There shall be an annual meeting of the board of trustees during the session of the general assembly, in the city of Raleigh, and at such time and place as the presi-

dent of the board may appoint; and at any of the annual meetings of the board any number of trustees, not less than ten, shall constitute a quorum and be competent to exercise full power and authority to do the business of the board; and the said board, or the president thereof, shall have power to appoint special meetings of the trustees at such time and place as, in their opinion, the interest of the institution may require; but no special meeting shall have power to revoke or alter any order, resolution or vote of an annual meeting.

Sec. 2617. Vacancies in offices of secretary and treasurer, how filled. R. S., vol. II, p. 433. 1821.

In case the office of secretary or treasurer of the board of trustees of the University shall be vacant from any cause whatever, in the recess of the board, the president shall appoint a suitable person to fill the same until the annual meeting of the board of trustees, at which time the said board shall elect a proper person to fill the said vacancy.

Sec. 2618. Trustees may at their annual meeting limit business of special meeting. R. S., vol. II, p. 433. 1824.

The board of trustees at their annual meeting may, by resolution, vote or ordinance, from time to time, as to them shall seem meet, limit, control and restrain the business to be transacted, and the power to be possessed and exercised by special meetings of the board, called according to law, and the powers of such special meetings shall be limited, controlled and restrained accordingly. And every order, vote, resolution or other acts done, made or adopted by any special meeting, contrary to any order, resolution, vote or ordinance of the board, at an annual meeting, shall be absolutely, to all intents and purposes, null and void.

Sec. 2619. Trustees may vacate appointment of trustee for improper conduct. R. S., vol. II, p. 432. 1821.

The board of trustees shall have power to vacate the appointment and remove a trustee for improper conduct, stating the cause of such removal on their journal: *Provided*, that the same shall be done at an annual meeting of the board, and that there shall be present at the doing thereof at least twenty of the members of the board,

Sec. 2620. Number of trustees and their election. 1873-'4, c. 64, s. 1.

There shall be sixty-four trustees of the University of North Carolina elected by joint ballot of both houses of the general assembly on the twenty-ninth day of January, one thousand eight hundred and seventy-four, whose term of office shall be eight years from and after December first, one thousand eight hundred and seventy-three, and in whom, when chosen, shall be vested all the rights, privileges, franchises and endowments thereof, in anywise granted to or conferred upon the trustees of said University.

Trustees v. McIver, 72—76.

Sec. 2621. To meet in thirty days; classes. 1873-'4, c. 64, s. 2.

The first meeting of the trustees shall be held within thirty days after their election, and at this and every subsequent meeting ten shall constitute a quorum. The trustees at their first meeting shall be divided into four classes. The seats of the first class shall be vacated at the expiration of two years; of the second class at the expiration of four years; of the third at the expiration of six years; of the fourth at the expiration of eight years, so that one-fourth may be chosen every second year.

Sec. 2622. Vacancies, how filled. 1873-'4, c. 64, s. 3.

Whenever any vacancy shall happen in the said board, it shall be the duty of the secretary of the board of trustees to communicate to the general assembly the said vacancy, and thereupon they shall elect by joint ballot of both houses a suitable person to fill the same.

Sec. 2623. Rules and regulations. 1873-'4, c. 64, s. 4.

The board of trustees shall have power to make such rules and regulations for the management of the University as they may deem necessary and expedient, not inconsistent with the constitution and laws of the state.

Sec. 2624. Executive committee. 1873-'4, c. 64, s. 5.

The board of trustees shall have power to appoint from their own number an executive committee which shall be clothed with the powers delegated to the executive committee under the preceding organization of the University and such other powers as the said board may confer.

Sec. 2625. Sixteen additional trustees of the University.
1876-'7, c. 121, ss. 1, 2. 1883, c. 124, ss. 1, 2.

There shall be elected, by joint ballot of the general assembly, sixteen trustees of the University, from points conveniently accessible to the seat of government and the University, in addition to the sixty-four now authorized, whose term shall commence with December first, one thousand eight hundred and seventy-seven. Four of said trustees shall hold office for two years; four for four years; four for six years, and four for eight years; and at the expiration of their terms of service, their places shall be filled, from time to time, in like manner, for eight years, so that one-fourth shall be elected every two years, and vacancies in the office of the trustees under this section are to be filled as provided in this chapter for other trustees.

Sec. 2626. Endowed with escheats. R. C., c. 113, s. 11.
1789, s. 2.

All the real estate which has escheated or may escheat to the state, which has not been reduced into possession by the state or the president and directors of the literary fund, shall be vested in the University of North Carolina.

Gilmour v. University, 2 Hay., 108; *Trustees v. Foy*, 2 Hay., 310; *Trustees v. Foy*, 2 Hay., 374; *University v. Foy*, 1 Mur., 58.

Sec. 2627. When personal property paid to University.
1868-'9, c. 113, s. 76.

All sums of money or other estate of whatever kind, which shall remain in the hands of any executor, administrator or collector for five years after his qualification, unrecovered or unclaimed by suit, by creditors, next of kin or others entitled thereto, shall be paid by the executor, administrator or collector, to the University of North Carolina; and the University of North Carolina is authorized to demand, sue for, recover, and collect such moneys or other estate of whatever kind, and hold the same without liability for profit or interest, until a just claim therefor shall be preferred by creditors, next of kin or others entitled thereto; and if no such claim shall be preferred within ten years after such money or other estate be received by the said University, then the same shall be held by it absolutely.

University v. Maultsby, 8 Ired. Eq., 257.

Sec. 2628. Unclaimed dividends to go to University.
1874-'5, c. 236, s. 1.

All dividends heretofore declared, or which shall here-

after be declared by any corporation, company or association, whether chartered or not, which shall not be recovered or claimed by suit by the parties entitled thereto for five years after the same were or shall be declared, shall be paid by the corporation, company or association to the University of North Carolina, and the said University is authorized to demand, sue for, recover and collect such dividends, and hold the same without liability for profit or interest until a just claim therefor shall be preferred by the parties entitled thereto, and if no such claim shall be preferred within ten years after such dividend shall be received by the said University, then the same shall be held by it absolutely.

University v. R. R. Co., 76—103.

Sec. 2629. Certain personal property deemed derelict and paid to University.

Personal property of every kind, including dividends of corporations, or of joint-stock companies, or associations, choses in action, and sums of money in the hands of any person, which shall not be recovered or claimed by the parties entitled thereto for five years, after the same shall become due and payable, shall be deemed derelict property, and shall be paid to the University of North Carolina and held by it, as is provided in the preceding section.

Sec. 2630. Receipts from all sources to be applied to maintenance of University. 1874-'5, c. 236, s. 2.

All receipts heretofore had or hereafter to be had from dividends, escheated property, derelict property, money or other property, in the hands of executors, administrators or collectors, and from any source whatever under authority of the state, and all interest thereon, shall be exclusively devoted by said trustees to the re-establishment and revival of the said University and the maintenance of the same. And the said University shall have power to receive donations from any source whatever, to be exclusively devoted to the aforesaid purposes or according to the terms of donation.

Sec. 2631. Land scrip transferred to the trustees of the University. 1866-'7, c. 2, s. 1.

The land scrip given by the United States to the State of North Carolina, for establishing an agricultural college, is hereby transferred to the University of North Carolina, for the purpose of effecting the object of the grant: *Pro-*

vided, the University shall comply with the act of congress and make its leading object to teach such branches of learning as are related to agriculture and the mechanic arts, without excluding other scientific studies and including military tactics.

Sec. 2632. Trustees to dispose of the same, and establish two professorships. 1866-'7, c. 2, s. 2.

The trustees of the University are instructed to dispose of the same as they may think best, and with the proceeds to establish, in addition to the course of instruction prescribed in the regular curriculum of the University, two professorships, in which the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the general assembly may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Sec. 2633. Board of commissioners of each county to select annually one native resident for gratuitous instruction in the University. 1866-'7, c. 2, s. 3.

It shall be the privilege of the board of commissioners in each county in this state, forever to select annually one native of the state, resident in said county, of good moral character and capacity for usefulness, without the requisite means to defray the necessary expenses of education, who shall be admitted to any classes in the University, for which he may be prepared, free of all charges for tuition and room rent, so that each county may always have one representative at the institution.

Sec. 2634. Who eligible to appointment as county student; revocable by board; when trustees to ask board to revoke appointment; student obtaining county appointment without being entitled liable for tuition, &c. 1881, c. 141, s. 3.

No person shall be appointed as a county student in the University of North Carolina, unless it shall be proved to the satisfaction of the board of commissioners of said county, by the oaths of the applicant and one or more credible witnesses, which shall be by affidavit, to be kept in the office of said board, that neither said applicant, nor his guardian, or parents, have the requisite means to pay his tuition and room rent at the University,

that he is a citizen of the state and a resident of said county, and that he is of good moral character and capacity for usefulness. The said appointment shall be revocable, if at any time the board shall be satisfied that the facts sworn to are untrue, or that the applicant, his guardian or parents shall have become able to pay such tuition and room rent. If the faculty of the University shall become satisfied that said student is not really entitled to the appointment, they shall, after ten days' notice given to the said student, bring the facts to the attention of the board, and ask that his appointment be revoked, which it shall be the duty of the board to do, if satisfied with the truth of the allegations. If any student shall obtain the county appointment as aforesaid without being entitled thereto, he shall be liable to pay tuition and room rent to the same extent as if the appointment had not been made, and if he is a minor, his father or guardian shall be liable to pay the same.

Sec. 2635. Student receiving free tuition to promise in writing to teach after leaving the University. 1881, c. 141, s. 4.

The trustees shall require each student who may receive tuition free of charge at the University, to promise in writing to teach in some school in the state after leaving the University, for a period of time at least half the length of that during which he may receive such free tuition at the University.

Sec. 2636. Certificate of indebtedness to issue. 1874-'5, c. 352, s. 1.

Whereas, the investment made by the late board of trustees of the University of North Carolina of one hundred and twenty-five thousand dollars of the fund derived from the land scrip donated by congress to this state for the establishment of one or more agricultural colleges was made in great part in worthless securities; and whereas, the state is bound by the conditions of the act of congress making said donation to restore the losses in said fund and to establish said college or pay back said fund to the United States; therefore, the state treasurer is directed to issue to the trustees of said University a certificate of indebtedness for one hundred and twenty-five thousand dollars, bearing interest from the first day of January, one thousand eight hundred and seventy-five. with interest at six per cent., payable semi-annually, on the first days of July and January in each year, which

shall be paid out of any moneys in the treasury not otherwise appropriated, said interest to be used by said trustees for the purpose of the establishment of at least one college in accordance with the aforesaid act of congress.

Sec. 2637. Special tax bonds to be burned. 1874-'5, c. 252, s. 2.

The bonds reported as in the hands of said trustees, commonly called "special tax bonds," being void and worthless, shall be burned by the said trustees, and the bonds not special tax bonds reported by them shall be held subject to the disposition of the general assembly.

Sec. 2638. Annual appropriation of five thousand dollars to University payable in semi-annual installments, 1881, c. 141, s. 1.

Whereas, the constitution of the state, by section six, article nine, provides that the general assembly shall have authority to provide for the maintenance and management of the University of North Carolina;

And whereas, by article nine, section seven of the constitution it is made the duty of the general assembly, as soon as practicable, to provide that the benefits of the University shall be extended to the youth of the state free of charge for tuition;

And whereas, by article nine, section fourteen of the constitution it is made the duty of the general assembly "to establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining and of normal instruction;"

And whereas, in the opinion of the general assembly it is now practicable, and it therefore becomes their duty to the extent hereinafter mentioned to carry the same into effect;

And whereas, an efficient system of public schools cannot be obtained without competent teachers for the same, and as it is of vast importance to the well being of the state that its young men of all pursuits shall be able to secure the advantages of higher education as cheaply as possible; therefore,

The sum of five thousand dollars shall be appropriated out of any moneys in the treasury not otherwise appropriated, payable to the treasurer of the trustees of the University of North Carolina, in equal semi-annual installments, on the first days of April and October of each and every year, beginning on the first day of April, one thousand eight hundred and eighty-one.

Sec. 2639. Manner in which appropriation shall be used. 1881, c. 141, s. 2.

It shall be the duty of the trustees of the University to use said appropriation, as far as may be practicable, in carrying into effect the above recited sections of the constitution, and particularly they shall provide such advanced instruction as may enable their students to learn the art of teaching in the University normal school, and to be well qualified to become teachers of the schools of the state.

Sec. 2640. License to retail at Chapel Hill, &c., void. R. C., c. 113, s. 1. 1879, c. 232, s. 1. 1880, sp. session, c. 45.

Any license granted to retail spirituous or malt liquors, wines or cordials at Chapel Hill, or within four miles thereof, shall be void; and no person shall sell or directly or indirectly receive any compensation for any spirituous liquors, bitters or any intoxicating drinks within four miles of the corporate limits of Chapel Hill, Orange County, or within said village.

Sec. 2641. Places in four miles of, &c., for sale of liquors, forbidden. R. C., c. 113, s. 2. 1879, c. 232, s. 1.

No person shall erect, keep, maintain, or have at Chapel Hill, or within four miles thereof, any tippling house, establishment, or place, for sale of wines, cordials, spirituous or malt liquors.

Sec. 2642. No person without written permit to sell liquor to be used in four miles of Chapel Hill. R. C., c. 113, s. 3. 1879, c. 232, s. 3.

It shall be unlawful for any person to sell or deliver, or offer to sell or deliver, or directly or indirectly receive any compensation for any spirituous or malt liquors, bitters or any intoxicating drinks, for the purpose of being used, or with knowledge that the same will be used at Chapel Hill, or within four miles thereof, by any student of the University, without permission in writing from the president of the University, or some member of its faculty.

Sec. 2643. Electioneering treats within four miles forbidden. R. C., c. 113, s. 4.

No person, at or within four miles of Chapel Hill, shall give or furnish any electioneering treat or entertainment.

Sec. 2644. Also billiard and gaming tables in five miles.
R. C., c. 113, s. 5. 1794, c. 429, amended.

No person shall set up, keep or maintain at Chapel Hill, or within five miles thereof, any public billiard-table or other public table of any kind at which games of chance or skill, by whatever name called, may be played. Nor shall he keep, within said five miles, any house, place, ten-pin alley, or any implement, at which, or by means of which, any game of chance or hazard may be played.

Sec. 2645. Also exhibitions in five miles without license.
R. C., c. 113, s. 6. 1824, c. 1252.

No person, without permission in writing obtained therefor from the president of the University or some member of its faculty seven days beforehand, shall exhibit at Chapel Hill, or within five miles thereof, any theatrical, sleight of hand or equestrian performances, or any dramatic recitations or representations, or any rope or wire dancing, natural or artificial curiosities, or any concert, serenade, or performance in music, singing or dancing.

Sec. 2646. Violations of preceding sections a misdemeanor. R. C., c. 113, s. 7. 1879, c. 232, s. 3.

Any person violating the six preceding sections shall be guilty of a misdemeanor, and fined not less than ten dollars nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days: *Provided*, if the offender is not brought to trial before some justice of the peace within six months after the commission of the offence, the superior court in term for the county in which the offence was committed may take jurisdiction of the same and punish the offender at the discretion of the said court: *Provided further*, no person shall be excused or incapacitated from confessing or testifying touching the violation of any of said six preceding sections, by reason of his having been a participant in the offences; but the confession or testimony of such person shall not be used against him in any criminal prosecution on account of such participation.

Sec. 2647. Contracts with minor students without permission, void. R. C., c. 113, s. 8.

Every contract or agreement by any student of the University, being then a minor, with any shopkeeper, merchant, trader, or other person, upon the sale of any

wine, cordial, spirituous or malt liquor, or of any goods, wares, or merchandise, or any article of trade, or with the keeper of any livery stable, shall be void, unless the same, if made at or within two miles of Chapel Hill, be made under the written permission of the president of the University or some member of its faculty; or, if made at a greater distance from Chapel Hill, under the written consent of the person who may have the control and authority over such student.

Sec. 2648. Shall be avoided by plea. R. C., c. 113, s. 9.

Every contract made with a student of the University contrary to the preceding section, shall be void, and may be avoided on account of any of the matters therein contained, by answer denying the same. And on the trial, if it appear that the defendant was at the time of the alleged contract a student of the University, it shall be presumed that he was at the making thereof a minor.

Sec. 2649. Incapable of confirmation. R. C., c. 113, s. 10.

Every such contract shall be incapable of being confirmed; and any promise or obligation given by such student after his arrival at full age shall be void.

NORMAL SCHOOLS.

Sec. 2650. Normal schools in connection with the University. 1876-'7, c. 234, s. 1. 1879, c. 54, ss. 1, 2. 1881, c. 91, s. 1.

It shall be lawful for the state board of education to establish a normal school in connection with the University, for the purpose of teaching and training young men and women, of the white race, for teachers of the common schools of the state; and to aid in defraying the expense of carrying on such normal school, the state board of education is authorized and instructed to draw upon the treasury for an amount not to exceed two thousand dollars annually, until the general assembly shall otherwise provide, to be paid out of any money in the treasury other than the school fund, not otherwise appropriated, to be used for the purpose herein stated, and for no other.

Sec. 2651. Normal schools for colored persons. 1876-'7, c. 234, s. 2. 1879, c. 54, ss. 1, 2. 1881, c. 91, s. 1.

It shall be lawful for the state board of education to

establish a normal school at any place they may deem most suitable, either in connection with one of the colored schools of high grade in the state, or otherwise, for teaching and training young men and women of the colored race, from the age of fifteen to twenty-five years, for teachers in the common schools of the state for the colored race; and to aid in defraying the expense of carrying on such normal school the state board of education is authorized and instructed to draw upon the treasury for an amount not to exceed two thousand dollars annually, until the general assembly shall otherwise provide, to be paid out of any money in the treasury, other than the school fund, not otherwise appropriated, to be used for the purpose herein stated, and for no other: *Provided*, a preparatory department may be established in connection with the colored normal school.

Sec. 2652. State board of education to establish normal schools other than those at Fayetteville and the University. 1881, c. 141, s. 5.

The state board of education is directed to establish other normal schools than those at Fayetteville and the University, and the sum of two thousand dollars *per annum* is hereby appropriated for such schools for white teachers, and the sum of two thousand dollars for such schools for colored teachers, authorized by this chapter, in addition to the appropriation heretofore made for normal schools: *Provided*, the number of schools shall not be less than four for each color.

Sec. 2653. Young persons educated at normal schools. 1876-'7, c. 234, s. 3.

It will be required and expected of all young persons, of both races, who may be thus taught and trained for teachers of common schools at the cost of the state to apply themselves, as far as practicable, to the occupation of teaching, within the borders of this state, for a term of not less than three years after leaving school.

GRADED SCHOOLS.

Sec. 2654. Graded schools. 1876-'7, c. 285, s. 1.

In every township, or in every city or town having two thousand inhabitants and upwards, any one hundred respectable citizens thereof, freeholders therein, may apply by petition in writing to the board of commissioners

of the county in which said township, city or town is situated, asking that an annual tax be levied for the support of one or more graded schools therein, whereupon on or before the next regular meeting of said board, but not oftener than once a year, they shall order that the question whether such tax shall be levied be submitted to the vote of the qualified voters of such township, city or town, at the different wards and election places therein, as prescribed in the chapter entitled "Elections Regulated."

Sec. 2655. Tax for graded schools. 1876-'7, c. 285, s. 2.

In case a majority of the qualified voters at such election are in favor of such tax, the same shall be levied and appropriated in such township, city or town, in the manner prescribed for the levying and appropriation of other school taxes. *Provided*, the taxes so levied and collected shall in no case exceed one-tenth of one per centum on the value of property, and thirty cents on the poll.

Sec. 2656. Principal of graded school, his salary, &c. 1876-'7, c. 285, s. 3.

The qualified principals of such graded schools and any other teachers therein shall not be subject to the restrictions and limitations of salary imposed in this chapter as to teachers of public schools, but may be employed and paid such salary as the township, city or town school committee may deem just and reasonable.

Sec. 2657. Certain townships not included. 1876-'7, c. 285, s. 4. 1879, c. 309.

The sections of this chapter relating to graded schools shall not apply to the townships in which are situated the cities of New Berne, Wilmington or Charlotte; but the same shall extend to Cross Creek township, in the county of Cumberland: *Provided*, the application for the election shall be made by two hundred of the qualified voters of said township who shall be freeholders therein, and if at least one-half of such petitioners shall be of the white race.

Sec. 2658. Sense of voters to be taken as to the propriety of establishing public schools, &c. 1866-'7, c. 14, s. 1.

The mayor, intendant or other chief officer of any city or incorporated town of the state shall be authorized to take the sense of those qualified to vote in the town or city elections, as to the propriety of establishing one or

more public schools, to be supported by the taxes collected or authorized to be collected for corporation purposes; and the said mayor, intendant or other chief officer, shall give public notice of said election in the papers published in the corporation, and if there be none, by posters in three public places in each ward, at least twenty days before the election. And the mayor, intendant or other chief officer, shall make known the result of said vote, by public proclamation, and shall cause the whole proceedings to be recorded by the clerk of the corporation.

Sec. 2659. Election of school commissioners, one from each ward; ten days' notice of election to be given. 1866-'7, c. 14, s. 2.

If a majority of the votes given in any election held as above, shall be in favor of public schools, the mayor, intendant or other chief officer of the corporation, shall cause an election to be held for school commissioners, one of whom shall be chosen for each ward of the corporation, and from those entitled to vote in the elections of the corporation; of which election the mayor or other chief officer shall give ten days' notice, in three public places in each ward, and the said commissioners, after the first election, shall hold their offices until the succeeding day for the election of town officers and until their successors are chosen, and every succeeding election for school commissioners shall be on the day for the election of mayor or intendant, and for one year, and until their successors are chosen.

Sec. 2660. Commissioners with mayor to constitute board of management; fine for failure of duty. 1866-'7, c. 14, s. 3.

The commissioners so elected, with the mayor, intendant or other chief officer of the corporation, shall constitute a board of whom the mayor or other chief officer of the corporation shall be *ex officio* chairman, whose duty it shall be to manage the whole system of public schools of the corporation, to select and engage buildings for the said schools, to determine the number and character of the schools, to employ teachers, appoint visitors, and to do such other acts as are necessary to the success of the schools and consistent with this chapter so far as the same relates to graded schools. And every such commissioner, who shall accept an appointment, as such, and fail to discharge the duties of his office, shall forfeit and

pay a fine of ten dollars, to be collected as other penalties, and paid to the town treasurer, for the use of the public schools.

Sec. 2661. Statement of amount of appropriation to be annually furnished school commissioners. 1866-'7, c. 14, s. 4.

In every town or city, voting in favor of public schools, the mayor, intendant or other chief officer, shall call a meeting of the authorities of said corporation, and cause to be prepared, for the board of school commissioners, a statement of the amount appropriated by said authorities for public schools, and such a statement shall be annually furnished to the board of school commissioners within five days after their election.

Sec. 2662. Additional tax for educational purposes authorized. 1866-'7, c. 14, s. 5.

The authorities of cities and incorporated towns, establishing public schools, shall be required to set apart all the funds of said corporation that can be spared from other purposes, required by their charters and laws, passed in accordance herewith, for educational purposes, and in addition to the powers of taxation, with which they are already invested, they shall be authorized to levy and collect a poll tax on every male inhabitant of the corporation, over twenty-one years old, of not more than two dollars, to be wholly appropriated to the use of the public schools.

Sec. 2663. Treasurer of corporation to act as treasurer of school fund. 1866-'7, c. 14, s. 6.

The treasurer of a corporation establishing a system of public schools, according to this chapter, shall be treasurer of the school fund, liable on his bond for it; shall keep said fund and its accounts separate, and shall make an annual report in regard to the receipts and disbursements of school moneys, at the time and under the regulations in force when he renders his statements of other public funds, and all payments for the schools shall be made on drafts signed by the chairman of the board of commissioners, countersigned by the clerk or secretary.

Sec. 2664. Clerk of corporation to be secretary of board of school commissioners. 1866-'7, c. 14, s. 7.

The clerk of the town or city, establishing a system of public schools, shall be *ex officio* secretary of the board of

school commissioners, and shall discharge the duties of such under a penalty of ten dollars for every failure, to be collected as other fines, and paid to the school fund; and if there be no such clerk of the corporation, the board of school commissioners shall elect one of their own number secretary, and it shall be the duty of the secretary to attend all meetings of the board, to record its proceedings in a book kept for that purpose, to issue notices, counter-sign warrants, and have his records open to the public inspection. And he may receive for his services such compensation as the board may allow.

Sec. 2665. Enumeration of children required. 1866-'7, c. 14, s. 8.

It shall be the duty of the board of school commissioners of every town or city to number the children of the corporation between the ages of six and twenty-one years, and as soon as they receive a statement of the amount of money appropriated for schools for any one year, to provide first for primary schools for all the children who need them, and if, after such provision, there be other funds they may be used for schools of higher grade, and all the children of the corporation, between the ages of six and twenty-one years, shall be entitled to attend the public schools which they are qualified to enter: *Provided*, the grades in the school shall regularly ascend, and the board shall be required to establish the lowest first, and next the schools of the next higher grade, and so on upward: *Provided further*, the white schools shall be for the white children, and the colored schools for the colored children, exclusively.

Sec. 2666. Quarterly statement required. 1866-'7, c. 14, s. 9.

The board of school commissioners of each corporation shall make a quarterly statement to the town or city authorities of the condition of the schools, to be filed with the corporation records, and annually one month before the expiration of their term of office shall make a detailed report of all their operations, stating the number of children in the corporation between the ages of six and twenty-one years, the sums expended for school purposes, the number and grade of the schools, the attendance on each, the salaries paid teachers, and such other facts concerning the schools as may be important, which report shall be published, before the next election, in the papers of the corporation, and if there be none such, in pamphlets

or hand-bills, and a copy shall be filed with the secretary of the board, and one, authenticated by the seal of office of the clerk of the superior court, sent to the governor.

Sec. 2667. Commissioners may hold and dispose of real and personal property in trust. 1866-'7, c. 14, s. 10.

The authorities of every corporation establishing a system of public schools shall be authorized to receive, buy, lease, sell and convey, for school purposes, real and personal property, to hold such property in trust for the schools, and to sue for injuries or trespasses on the same.

CHAPTER SIXTEEN.

ELECTIONS REGULATED.

SECTION.	SECTION.
2668. State, legislative, and county officers.	registration or voting punishable by fine and imprisonment.
2669. Clerk of the superior court.	2681. Persons offering to register must be sworn; oath of electors.
2670. Township constable.	2682. No registration allowed on the day of election except in certain cases.
2671. The board of commissioners of each county authorized to establish polling places.	2683. When electors or judges shall challenge.
2672. Secretary of state shall furnish suitable registration books.	2684. Oath of persons challenged; when vote to be rejected; challenge to be recorded; powers of judges of election.
2673. Books to be provided by the commissioners in certain cases.	2685. When polls to be opened and closed; manner of voting.
2674. The board of commissioners shall select the registrars; candidates not eligible.	2686. Judges to deposit registration books with register of deeds.
2675. Duty of registrars; new registration.	2687. How officers shall be voted for; ballots to be on white paper and without device.
2676. Elector to vote in his own precinct.	2688. County commissioners to provide ballot boxes; description of boxes; who to keep them.
2677. Registration books open to inspection; right of challenge.	2689. How boxes to be opened and
2678. Judges of election; their duties.	
2679. Persons who are not allowed to register or vote.	
2680. Qualifications of electors; residence of electors; fraudulent	

SECTION.

- the ballots counted; what tickets to be void.
- 2690. Delivery of the election returns.
- 2691. The board of county canvassers.
- 2692. A majority to constitute a quorum.
- 2693. The meeting of the board of county canvassers.
- 2694. The board of county canvassers to open and canvass the returns.
- 2695. An abstract of the votes to be made.
- 2696. Separate abstracts to be signed by the members of the board and filed.
- 2697. Contents of the abstract of the vote for county officers.
- 2698. Original returns to be filed with clerk of the superior court and recorded; duplicate to be sent to secretary of state.
- 2699. Person having highest vote to be declared elected.
- 2700. Result of election to be proclaimed at the court house.
- 2701. Returning officers of senatorial districts, when and where to meet; penalty for failing to make returns; returns, how examined and compared.
- 2702. Certificate of election, when and how furnished.
- 2703. Return for state officers, when, by whom and how made; cer-

SECTION.

- tificate of sheriff; to whom statement to be sent, delinquent returning officer, &c.
- 2704. Secretary of state to prepare and transmit forms.
- 2705. Returns for state officers, how and by whom opened and published; in cases of defective returns, who to be declared elected; tie votes; contested elections.
- 2706. An abstract of the returns to be made by the clerks, and signed by the presiding officers of the general assembly, and filed with secretary of state.
- 2707. Penalty on officers for non-performance of duty under this chapter.
- 2708. Wilful or malicious neglect of officers to perform their duties.
- 2709. Penalty for fraudulent registration or voting.
- 2710. Penalty for corruptly taking the oath prescribed for voters.
- 2711. Secretary of state to furnish copies of the election law to the board of commissioners of each county.
- 2712. Armed men not to muster on day of election.
- 2713. Breaking up or staying elections.
- 2714. Treating at elections.
- 2715. Intimidation of voters.
- 2716. Bribery at elections.
- 2717. Betting on elections.

CONGRESSIONAL ELECTIONS.

SECTION.

- 2718. United States senators.
- 2719. Representation in congress; districts.
- 2720. Congressmen from the state at large; when there shall be such, and how elected.

SECTION.

- 2721. Time and manner of conducting congressional elections.
- 2722. Vacancies in representation, how filled.
- 2723. Representatives in congress commissioned by the governor.

BOARD OF STATE CANVASSERS.

SECTION.

2724. Compensation of registrars, returning officers and the members of the board of state canvassers.
2725. Board of state canvassers, who shall constitute.
2726. Returns not received in time, secretary of state shall obtain original abstracts.
2727. Abstracts to be opened, when and by whom.
2728. Records of the returns to be kept by the secretary of state.

SECTION.

2729. Certificate of election, when, how and to whom furnished.
2730. Statement of votes cast for officers of the executive department to be published by state canvassers.
2731. Judges and solicitors shall be commissioned by the governor; when term of office shall begin; elections for such, and for those whose terms shall be about to expire.

MISCELLANEOUS.

SECTION.

2732. Illegal registration.
2733. Persons having been convicted of an infamous crime may be challenged and required to answer; convicted person not allowed to vote unless restored to the rights of citizenship.
2734. Powers and duties of judges of election in regard to the examination of voters.
2735. Powers of the judges of election, and the various boards of canvassers.

SECTION.

2736. Official vacancies, how filled.
2737. How vacancies in the general assembly to be filled.
2738. Elections ordered by the governor shall be conducted as other elections.
2739. Qualification of voters in municipal elections.
2740. Intoxicating liquors not to be given away or sold on day of election.
2741. On what day elections shall be held.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

SECTION.

2742. When election to be held.
2743. Names of electors to be on each ballot; how electors allotted.
2744. Election to be as in case of state officers.
2745. Meeting of county canvassers, their duties; sheriff to send

SECTION.

- certificates of election to secretary of state.
2746. Secretary of state to deliver returns to board of state canvassers; duties of the board; organization of the electors.
2747. College of electors to proceed in conformity to the constitu-

SECTION.

tion and laws of the United States.

2748. Vacancies in offices of president and vice-president; governor to order another election for electors.

2749. Electors failing to attend; offi-

SECTION.

cers making false returns; refusal by register of deeds or clerk of the superior court to furnish certified copies of the returns; penalties.

2750. Compensation and privileges of electors.

Sec. 2668. State, legislative and county officers. 1871-'2, c. 185. 1873-'4, c. 132. 1874-'5, c. 237. 1876-'7, c. 141, s. 2. 1876-'7, c. 275, s. 1. 1879, c. 152.

On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: First, governor; second, lieutenant-governor; third, secretary of state; fourth, auditor; fifth, treasurer; sixth, superintendent of public instruction; seventh, attorney-general. And on said Tuesday next after the first Monday in November in the year aforesaid, and every two years thereafter, an election shall be held for members of congress in the several districts; members of the general assembly for their respective counties and districts; a register of deeds, county surveyor, coroner and sheriff for their respective counties; and in such counties as have one, a county treasurer.

Rhodes v. Lewis, 80—136; Kilburn v. Latham, 81—312.

Sec. 2669. Clerk of the superior court. 1879, c. 152, s. 1.

On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-six, and on said day every four years thereafter, an election shall be held in each county for the office of clerk of the superior court.

Threadgill v. R. R. Co., 73—178.

Sec. 2670. Township constable. 1879, c. 152, s. 1.

On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and on said day every two years thereafter, an election shall be held in each township for the office of constable.

Sec. 2671. The board of commissioners of each county authorized to establish polling places. 1871-'2, c. 185, s. 2. 1876-'7, c. 275, s. 4. 1879, c. 152, s. 1.

The board of commissioners of each county shall have power to establish, alter, discontinue or create such separate places of election in their respective counties as they may deem expedient, giving thirty days' notice thereof by advertisement in some public journal, if there be one published in the county, or in lieu thereof in three places in such county, and at the court house thereof; but there shall be at least one polling place in every township, as nearly central as possible, and there shall be a polling place open in each ward of a city numbering over three thousand inhabitants.

Sec. 2672. Secretary of state shall furnish suitable registration books. 1871-'2, c. 185, s. 3. 1874-'5, c. 237, s. 3. 1876-'7, c. 275, s. 3.

The secretary of state shall provide for and forward to the boards of commissioners of counties, on their requisition, suitable registration books, whenever needed, for each election precinct.

Sec. 2673. Books to be provided by the commissioners in certain cases. 1871-'2, c. 185, ss. 4, 5. 1874-'5, c. 230. 1876-'7, c. 275, s. 4.

If the boards of county commissioners do not receive a sufficient number of registration books, as provided in the preceding section, they are directed to provide the same for their respective counties at the expense of the state.

Sec. 2674. The board of commissioners shall select registrars; candidates not eligible. 1876-'7, c. 275, s. 5. 1879, c. 152, s. 1.

The board of commissioners of the several counties shall select, on or before the first Monday of the month preceding each election, one or more persons for each election precinct, who shall act as registrars of voters for such precinct. Said board shall make publication of the names of the persons so selected, at the court house door, immediately after such appointment, and shall cause a notice to be served upon said persons by the sheriff. If any registrar shall die or neglect to perform his duties, the justices of the peace for the township may appoint another in his place. And no person who is a candidate for any office shall be a registrar or judge or inspector of an election.

Sec. 2675. Duty of registrars; new registration. 1871-'2, c. 185, s. 6. 1876-'7, c. 275, s. 6.

Registrars shall be furnished with a registration book, and it shall be their duty to revise the existing registration books of their precinct or township in such manner that said books shall show an accurate list of electors previously registered in such precinct or township, and still residing therein, without requiring such electors to be registered anew; and such registrars shall also, between the hours of sunrise and sunset on each day (Sunday excepted), for thirty days preceding each election, keep open said books for the registration of any electors residing in such precinct or township, and entitled to registration, whose names have never before been registered in such precinct or township, or do not appear in the revised list. But the board of commissioners for each county may, upon giving thirty days' notice in each township, direct that there shall be an entirely new registration of voters before any election, instead of the revision of the registration list, as above provided.

State v. Powers, 75—281; Peebles v. Com'rs, 82—385; Newsom v. Earnheart, 86—391.

Sec. 2676. Elector to vote in his own precinct. 1871-'2, c. 185, s. 7. 1876-'7, c. 275, s. 7.

No elector shall be entitled to register or vote in any other precinct or township than the one in which he is an actual and *bona fide* resident on the day of election, and no certificates of registration shall be given, except as hereinafter provided.

Sec. 2677. Registration books open to inspection; right of challenge. 1871-'2, c. 185, s. 8. 1876-'7, c. 275, s. 8.

It shall be the duty of the registrars and judges of election to attend at the polling place of their township or precinct with the registration books on the Saturday preceding the election, from the hour of nine o'clock, a. m., till the hour of five o'clock, p. m., when and where the said books shall be open to the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall

hear and decide said objection, giving due notice to the voter so objected to: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

Peebles v. Com'rs, 82—335; *Norment v. Charlotte*, 85—387.

Sec. 2678. Judges of election, their duties. 1871-'2, c. 185, s. 9. 1876-'7, c. 275, s. 9. 1879, c. 152, s. 1.

The board of commissioners for each county, on or before the first Monday of the month next preceding the month in which each election is held, shall appoint four judges or inspectors of election, two of whom shall be of a different political party, where possible, from the registrars, at each place of holding election in their respective counties. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrars for such precinct or township, who shall attend with the registration books, after being sworn by some justice of the peace, or other person authorized to administer oaths, to conduct the election fairly and impartially according to the constitution and laws of the state, shall open the polls and superintend the same until the close of the election. They shall keep poll books, in which shall be entered the name of every person who shall vote, and at the close of the election the judges of election shall certify the same over their proper signatures, and deposit them with the register of deeds for safe-keeping. And said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. The board of commissioners shall, immediately after the appointment of the judges of election, as herein provided, furnish a list of names of such judges to the sheriff of their county, who shall, within ten days, serve notice of such appointment upon the said judges; and if any person appointed judge of election shall fail to attend, the registrars of such township shall appoint some discreet person to act as such, who shall be by him sworn before acting, and shall be of the same political party as the absent judge or judges.

Peavey v. Robbins, 3 Jan., 339.

Sec. 2679. Persons who are not allowed to register or vote. Const., Art. VI, s. 1. 1871-'2, c. 185, s. 10. 1876-'7, c. 275, s. 10.

The following classes of persons shall not be allowed to

register or vote in this state, to wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who, upon conviction or confession in open court, shall have been adjudged guilty of felony or other crime infamous by the laws of this state, committed after the first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, unless they shall have been legally restored to the rights of citizenship.

Perry v. Whitaker, 71—475.

Sec. 2680. Qualification of electors; residence of electors; fraudulent registration or voting punishable by fine and imprisonment. Const., Art. VI, s. 1. 1871-'2, c. 185, s. 10. 1876-'7, c. 275, s. 11.

Subject to the foregoing exceptions, every male person born in the United States, and every male person who has been naturalized, twenty one years of age, who shall have resided in the state twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be a qualified elector in the precinct or township in which he resides; and all electors shall register and vote in the election precinct of their residence. The residence of a married man shall be where his family resides, and that of a single man where he boards and sleeps; and should any single man board in one ward or precinct and sleep in another, then his residence shall be in the ward or precinct in which he sleeps, and he shall not register or vote in any other ward or precinct. But no elector shall be allowed to register in any ward or precinct to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide*. And it shall be the duty of the registrar or judge of election, when requested by any bystander, to swear any person offering to register or vote, as to his residence, and to have placed in writing opposite his name the word "sworn;" and any person knowingly and fraudulently registering or voting at any other place than that of his *bona fide* residence shall be guilty of a crime infamous by the laws of this state, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Peavey v. Robbins, 3 Jon., 339; Perry v. Whitaker, 71—475; Van Bokkelen v. Cannady, 73—198.

Sec. 2681. Persons offering to register must be sworn; oath of electors. 1876-'7, c. 275, s. 12.

Every person who shall present himself for registration shall state under oath how long he has continuously resided in this state and in the county in which he offers to vote; whether he is an alien or native born; when he became twenty-one years of age; whether married or single, and where or with whom he resides. Upon the request of any elector the registrar shall require the applicant to prove his identity or age and residence by the testimony of at least one elector, under oath. And if an elector has previously been admitted to registration in any ward, township or precinct in the county in which he resides he shall not be allowed to register again in another ward, precinct or township in the same county until he produces a certificate of the registrar of the former township, ward or precinct, that said elector has removed from said township, ward or precinct, and that his name has been erased from the registration books of the ward, township or precinct from which he has removed; and the identity of any person claiming a right to be registered in any precinct of the same county by virtue of such certificate, with the person named therein, shall be proved by the oath of the claimant, and, when required by the registrar, by the oath of at least one other elector. Every person found qualified shall take the following oath:

"I,, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the state of North Carolina; that I have been a resident of the state of North Carolina for twelve months, and of the county of for ninety days; that I am a duly qualified elector, and that I have not registered for this election in any other precinct, and that I am an actual and *bona fide* resident of township (or precinct). So help me God."

And thereupon said person shall be permitted to register, and the date of his registration shall be noted opposite his name in the registration book.

Sec. 2682. No registration allowed on the day of election except in certain cases. 1871-'2, c. 185, s. 11. 1876-'7, c. 275, s. 13.

No registration shall be allowed on the day of election; but if any person shall give satisfactory evidence to the judges of the election that he has become of the age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register, he shall be allowed to register and vote.

Sec. 2683. When electors or judges shall challenge. 1871-'2, c. 185, s. 12. 1876-'7, c. 275, s. 14.

On the day of election any elector may, and the judges of election shall, challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Sec. 2684. Oath of persons challenged; when vote to be rejected; challenge to be recorded; powers of judges of election. 1871-'2, c. 185, s. 13. 1876-'7, c. 275, s. 15.

When any person is challenged, the judges shall explain to him the qualifications of an elector, and shall examine him as to his qualifications, and if the person insists that he is qualified, and shall prove his identity with the person in whose name he offers to vote, or his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one other elector, one of the judges shall tender to him the following oath:

"You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years o'd, and that you have resided in this state for twelve months, and in this county for ninety days next preceding this election, and that you are not disqualified from voting by the constitution and laws of this state, that your name is (here insert the name given) and that in such name you were duly registered as a voter of this township, and that you are now an actual resident of the same and have been ever since you were so registered, and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you God."

And if he refuses to take such oath, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote if they be satisfied that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. Whenever any person's vote shall be received after having taken the oath prescribed in this section, the clerks of election shall write on the poll books at the end of such person's name the word "sworn." The same powers as to the administration of oaths and the examination of witnesses, as in this section granted to judges of elections, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Sec. 2685. When polls to be opened and closed; manner of voting. 1871-'2, c. 185, s. 14. 1876-'7, c. 275, s. 16.

The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and no longer; and each voter whose name may appear registered, and who shall not be challenged and rejected, shall hand in his ballots to the judges, who shall carefully deposit the ballots in the ballot boxes.

Sec. 2686. Judges to deposit registration books with the register of deeds. R. C., c. 52, s. 18. 1871-'2, c. 185, s. 15.

Immediately after any election the judges of election shall deposit the registration books for their respective precincts with the register of deeds of their respective counties.

Sec. 2687. How officers shall be voted for; ballots to be on white paper and without device. 1871-'2, c. 185, s. 16.

The state officers, viz.: governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general shall be voted for on one ballot. The members of Congress for their respective districts shall be voted for on one ballot. The member or members of congress for the state at large, if there be such, shall be voted for on one ballot. The justices of the supreme court, judges of the superior court and solicitors shall be voted for on one ballot. The members of the general assembly for their respective counties and districts shall be voted for on one ballot. The county officers for the respective counties, viz.: clerk of the superior court, treasurer, register of deeds, surveyor, coroner and sheriff shall be voted for on one ballot. The ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without device.

Wilson v. Peterson, 69—113; Deloatch v. Rogers, 86—357, 730.

Sec. 2688. County commissioners to provide ballot boxes; description of boxes; who to keep them. 1871-'2, c. 185, s. 17. 1876-'7, c. 275, s. 19.

The board of county commissioners, or upon their failure the inspectors of election, shall provide for each election precinct in their respective counties ballot boxes for each class of officers to be voted for, in which to de-

posit the ballots for such officers respectively. Each of said boxes shall have an opening through the lid of sufficient size to admit a single folded ballot, and no more. The said ballot boxes shall be kept by the judges of election for the use of their several election precincts respectively. And said judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them.

Sec. 2689. How boxes to be opened and the ballots counted; what tickets to be void. 1871-'2, c. 185, s. 18.

When the election shall be finished, the registrars and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared.

Perry v. Whitaker, 71—475; Delouch v. Rogers, 86—357, 730.

Sec. 2690. Delivery of the election returns. 1871-'2, c. 185, s. 19. 1876-'7, c. 275, s. 21.

The judges of election in each township, ward or precinct shall appoint one of their number to attend the meeting of the board of county canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such township, ward or precinct; and the members of the several township, ward or precinct boards of election, who shall have been so appointed, shall attend the meeting of the board of county canvassers for such election in the county in which they shall have been appointed as members thereof.

Sec. 2691. The board of county canvassers. 1876-'7, c. 275, s. 22.

The members of the several boards of election to whom the original returns or statements of the result of the election in the precincts, wards or townships to which they respectively belong, shall have been delivered, as directed in the preceding section, shall constitute the

board of county canvassers for such election in the county in which such precinct, ward or township shall be situated; and the register of deeds of such county shall be the clerk of such board, unless the board shall elect another person in his place.

Sec. 2692. A majority to constitute a quorum. 1876-'7. c. 275, s. 23.

A majority of the members of the several precinct boards of election who shall have been appointed to attend the meeting of the board of county canvassers as members thereof, shall constitute such board.

Sec. 2693. The meeting of the board of county canvassers. 1871-'2, c. 185, s. 19. 1876-'7, c. 275, s. 24.

The board of county canvassers shall meet on the second day next after every election, at twelve o'clock, noon, of that day, at the court house of the county, and at that hour, without delay, the members of such board who shall be then present, shall choose one of their number, who shall be the chairman: *Provided*, the board of county canvassers of Carteret, Hyde and Dare, shall meet on the seventh day after the election; and as soon as such chairman shall be appointed, he shall administer to each of the other members, and each of the other members shall take an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully and impartially execute the duties of the board of canvassers according to law." And thereupon one of the members of such board, appointed for that purpose, shall administer to such chairman, and such chairman shall take an oath or affirmation in the same form as that taken by the other members of the board. And before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully execute the duties of clerk of this board according to law."

Moore v. Jones, 76—182.

Sec. 2694. The board of county canvassers to open and canvass the returns. 1871-'2, c. 185, s. 19. 1876-'7, c. 275, s. 25.

The board of county canvassers shall, at their said meeting, in the presence of the sheriff and of such electors as choose to attend, open and canvass and

judicially determine the returns, and make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for, and the number of votes given to each person for each different office, and shall sign the same.

Moore v. Jones, 76—182; O'Hara v. Powell, 80—103; Swain v. McRae, 80—111; Peebles v. Com'rs of Davie, 82—385; Norment v. Charlotte 85—387.

Sec. 2695. An abstract of the votes to be made. 1876-'7, c. 275, s. 26.

The abstract of the votes for each of the following classes of officers shall be made on a different sheet:

- (1) Governor and all state officers;
- (2) Representatives in congress;
- (3) Senators and representatives in the general assembly.
- (4) Justices of the supreme court, judges of the superior court, and solicitors.
- (5) County officers.

O'Hara v. Powell, 80—103.

Sec. 2696. Separate abstracts to be signed by the members of the board and filed. 1876-'7, c. 275, s. 27.

Three abstracts of all the votes cast for state officers, for representatives in congress, for justices of the supreme court, for judges of the superior court and for solicitor, shall be made and signed by the chairman of the board of county canvassers, one of which shall be delivered to the sheriff of the county, one filed with the register of deeds, to be registered in his office, and one forwarded by mail in a registered letter to the secretary of state at Raleigh; also, two separate abstracts of all the votes cast for state senators when the senatorial district consists of more than one county, one of which shall be filed with the register of deeds, to be registered in his office, and the other furnished to the sheriff of the county or other returning officer.

O'Hara v. Powell, 80—103.

Sec. 2697. Contents of the abstracts of the vote for county officers. 1876-'7, c. 275, s. 28.

Each abstract of the votes cast for such officers as the county alone elects shall contain an accurate statement of all the persons voted for and the number of legal votes cast for each.

Sec. 2698. Original returns to be filed with clerk of the superior court and recorded; duplicate to be sent to secretary of state. 1876-'7, c. 275, s. 29.

When the canvass is concluded the board shall deliver the original returns to the clerk of the superior court to be filed in his office, and shall cause each of the abstracts mentioned in the two preceding sections to be recorded in a book to be called "the election book," to be kept in the office of said clerk. And said clerk shall also transmit by mail to the secretary of state duplicates of the abstracts mentioned in section twenty-six hundred and ninety-six, each abstract to be sealed up in a separate envelope.

Sec. 2699. Person having highest vote to be declared elected. R. S., c. 52, s. 8. 1840, c. 27, s. 1. 1876-'7, c. 275, s. 30.

The person having the greatest number of legal votes for any office is to be declared elected. But if two or more county candidates, having the greatest number of votes, shall have an equal number, the board of commissioners of the county shall determine which shall be elected.

Moore v. Jones, 76—182; Swain v. McRae, 80—111.

Sec. 2700. Result of election to be proclaimed at the court house. 1876-'7, c. 275, s. 31.

When the board of county canvassers shall have thus completed the comparison of the polls, they shall determine the result of the election in their county for all persons voted for and proclaim the same at the court house door, with the number of votes cast for each.

Swain v. McRae, 80—111.

Sec. 2701. Returning officers of senatorial districts, when and where to meet; penalty for failing to make returns; returns, how examined and compared. 1871-'2, c. 185, s. 20. 1876-'7, c. 226. 1876-'7, c. 275, s. 32. 1883, c. 132, s. 407.

The sheriffs or other returning officers in the various senatorial districts composed of more than one county, after receiving the returns from the board of county canvassers, shall meet on the tenth day after the election, at the following places in their respective districts, for the purpose of comparing the polls: In the first district, at Hertford, in the county of Perquimans; in the second district, at Plymouth, in the county of Washington; in the third district, at Roxabel, in the county of Bertie; in the seventh district, at Nashville, in the county of Nash;

in the ninth district, at Pollocksville, in the county of Jones; in the tenth district, at Mount Olive, in the county of Wayne; in the eleventh district, at Kinston, in the county of Lenoir; in the twelfth district, at Wilmington, in the county of New Hanover; in the thirteenth district, at Northwest, in the county of Brunswick; in the fifteenth district, at Lennon's cross-roads, near Francis Lennon's, in Columbus county; in the sixteenth district, at Fayetteville, in the county of Cumberland; in the nineteenth district, alternately at the court houses of Warren and Vance; in the twentieth district, at Hillsboro, in the county of Orange; in the twenty-second district, at Jesse Henley's, in the county of Chatham; in the twenty-fifth district, at Brower's Mill, in the county of Randolph; in the twenty-sixth district, at John Webb's, on the plank-road, in the county of Richmond; in the twenty-seventh district, at Mulcohy, in the county of Anson; in the twenty-eighth district, at Mount Pleasant, in the county of Cabarrus; in the thirtieth district, at Foard's Mill, in the county of Rowan; in the thirty-second district, at Germantown, in the county of Stokes; in the thirty-third district, at Rockford, in the county of Surry; in the thirty-fourth district, at Taylorsville, in the county of Alexander; in the thirty-fifth district, at Jefferson, in the county of Ashe; in the thirty-sixth district, at Marion, in the county of McDowell; in the thirty-seventh district, at Early Grove, in the county of Catawba; in the thirty-eighth district, at Cherryville, in the county of Gaston; in the thirty-ninth district, at Rutherfordton, in the county of Rutherford; in the fortieth district, at Asheville, in the county of Buncombe; in the forty-first district, at Brevard, in the county of Transylvania; in the forty-second district, at Franklin, in the county of Macon. If for any cause any of said sheriffs or returning officers are prevented from meeting at said places respectively, on the aforesaid tenth day after the election, the returns of such officers shall be waited for and received if they arrive on the following day; and the returning officer failing to attend at the time and place required as aforesaid, shall forfeit and pay one thousand dollars, to be recovered in the superior court of his county by any person who may sue for the same, and shall be guilty of a misdemeanor; but if the returns of all the counties in the district be not in by noon of the day appointed, then the returning officers shall adjourn from day to day until the returns from all the counties be received, and in the meantime shall despatch a competent person, under oath, to the county

of the delinquent returning officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received shall be counted; and when the sheriffs shall be convened as aforesaid the polls for the different counties shall be examined and compared by them, in the presence of one justice and five electors, to be summoned by the sheriff of the county where they shall meet; and a certificate, under the hands and seals of the returning sheriffs shall be given to the candidate in each district for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes the said officers shall determine which shall be a senator, and if no decision shall be made by them they shall determine the same by lot.

Sec. 2702. Certificate of election, when and how furnished. 1871-'2, c. 185, s. 22. 1876-'7, c. 275, s. 33.

The sheriff of each county shall furnish, within ten days, the member or members elected to the house of representatives and to the senate, where the district is not composed of more than one county, a certificate of election under his hand and seal; he shall also immediately notify all persons elected to the county offices to meet at the court house on the first Monday in the ensuing month to be qualified.

Jones v. Jones, 80—127.

Sec. 2703. Returns for state officers; when, by whom and how made; certificate of sheriff; to whom statement to be sent; delinquent returning officer, &c. 1871-'2, c. 185, s. 23. 1876-'7, c. 275, s. 34.

The sheriff or other returning officer of each county shall, on or before the third day after the election, transmit by mail, in a registered letter or otherwise, to the speaker of the house of representatives, a separate statement of the votes taken in his county for each of the state officers, to wit: governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general, which statement, in each case, shall be in the following or some similar form, viz.:

STATE OF NORTH CAROLINA,
..... County.

I,, sheriff of county, do hereby certify that at the election held in the said county to elect a governor (or other officers, as the case may be) for four years, from the first day of next,

at the places appointed by law for holding elections for said county, on the day of, A. D. one thousand eight hundred and, votes were given for, and votes for.....
 Given under my hand, this day of, 18...
, Sheriff.

If said statements are transmitted by mail, they shall be directed in sealed packets to the speaker of the house of representatives, in care of the secretary of state, and if by messenger, they shall be sent direct to the speaker of the house of representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements or any other abstracts or election returns shall receive compensation therefor. Any sheriff or other returning officer failing or neglecting to perform the duties required in this section, shall forfeit and pay two thousand dollars, to be recovered in the superior court of his county by any person who shall sue for the same, and shall be guilty of a misdemeanor, and imprisoned at hard labor in the penitentiary for twelve months: *Provided further*, that the sheriffs of the counties of Carteret, Hyde and Dare shall have until the eleventh day after the election to comply with this section.

Sec. 2704. Secretary of state to prepare and transmit forms of returns. 1871-'2, c. 185, s. 24. 1876-'7, c. 275, ss. 35, 76.

The secretary of state shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of indorsing, directing and transmitting the same to the seat of government, to all the returning officers of the state, at least thirty days before the time of holding any election. He shall also furnish to the register of deeds of each county all such printed blanks as may be necessary for making the county returns.

Sec. 2705. Returns for state officers, how and by whom opened and published; in cases of defective returns, who to be declared elected; tie votes; contested elections. Const., Art. III, s. 3. 1871-'2, c. 185, s. 25. 1876-'7, c. 5. 1876-'7, c. 275, s. 36.

The speaker of the house of representatives, in the presence of a majority of the members of both houses of the general assembly, shall open and publish the returns for governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general, at twelve o'clock, noon; on the first Tuesday after the organization of both houses of the

general assembly. And if for any cause there be no return from any county of the state, or if any return be defective, a proper return shall be had in such manner as the two houses in joint session may direct; and in either case the publication of the result may be postponed to such time as the joint session of the two houses may deem best. The person having the highest number of votes for each office respectively shall be declared duly elected thereto, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the general assembly. Contested elections shall be determined by a joint vote of both houses of the general assembly in the same manner and under the same rules and regulations as prescribed in cases of contested elections of members of the general assembly.

Sec. 2706. An abstract of the returns to be made by the clerks, and signed by the presiding officers of the general assembly, and filed with secretary of state. 1881, p. 623, Resolution of Jan. 13th.

An abstract of the returns of votes for state officers shall be made by the clerks of the two houses of the general assembly, showing the number of ballots cast for each candidate, the names of all persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the canvass to be elected to the several offices; and said abstract shall be signed by the presiding officers of the two houses and delivered to the secretary of state, who shall record it in the election book kept in his office, and then file it. Said abstract shall also be printed in the journals of the two houses, and in the legislative documents.

Sec. 2707. Penalty on officers for non-performance of duty under this chapter. R. C., c. 34, s. 113. 1871-'2, c. 185, s. 29. 1876-'7, c. 275, s. 38.

Any registrar or judge of election, or any county canvasser or commissioner, register of deeds, clerk or sheriff, failing to make the returns and perform the duties required of him, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six nor less than two months, at the discretion of the court; and every such officer for every such offence shall forfeit and pay the sum of five hundred dollars, to be recovered in the name and to the use of the state, on

motion of the attorney general in the superior court of Wake county, ten days' previous notice in writing of such intended motion having been given to such officer by the secretary of state. The proceeding thereon shall be summary, and if any matter of fact shall be in issue, the same shall be tried at the first term; and on such trial, or for any other purpose in the prosecution of such motion to judgment, the certificate of the secretary of state, or of the governor, as the case may be, of the particular default on which the motion is founded, shall be received as competent *prima facie* evidence to prove the same.

Sec. 2708. Wilful or malicious neglect of officers to perform their duties. R. C., c. 34, s. 114.

If any sheriff, or returning officer whatever, shall wilfully, or of malice, neglect to perform any duty, act, matter or thing, required or directed, in the time, manner and form in which such duty, act, matter or thing is required to be performed in relation to the election, and returns thereof, of the governor, of representatives in congress, of justices of the supreme court, of judges of the superior court, of solicitors, or of the electors for president and vice-president of the United States, the person so offending shall be guilty of a felony, and fined not less than one thousand nor more than five thousand dollars, and be imprisoned not less than one nor more than three years; and shall be disabled from holding any office of profit or trust under the authority of the state.

Sec. 2709. Penalty for fraudulent registration or voting.

R. C., c. 34, s. 98. 1871-'2, c. 185, s. 30. 1876-'7, c. 275, s. 39.

Any person who shall, with intent to commit a fraud, register or vote at more than one box or more than one time, or who shall induce another to do so, or any person who shall illegally vote at any election, shall be guilty of an infamous crime, and imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar of voters, or any clerk or copyist who shall make any entry or copy with intent to commit a fraud, shall be liable to the same penalty.

State v. Boyett, 10 Ired., 336; State v. Cohoon, 12 Ired., 178; State v. Hart, 6 Jon., 389.

Sec. 2710. Penalty for corruptly taking the oath prescribed for voters. 1871-'2, c. 185, s. 31. 1876-'7, c. 275, s. 40.

Any person who shall corruptly take the oath prescribed for voters, shall be guilty of perjury, and be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

Sec. 2711. Secretary of state to furnish copies of the election law to the commissioners of each county. 1871-'2, c. 185, s. 32. 1876-'7, c. 275, s. 41.

The secretary of state shall, at least sixty days before each election, furnish the board of county commissioners of each county with a sufficient number of copies of this chapter, as it will read with the latest amendments incorporated with it, to supply each county canvasser, commissioner, register of deeds, sheriff, registrar of voters, and judge of election with one copy thereof.

Sec. 2712. Armed men not to muster on day of election. R. C., c. 52, s. 21. 1876-'7, c. 275, s. 44.

No regimental, battalion or company muster shall be called or directed on election days, nor shall armed men assemble on the day of election, at any place appointed by law to hold elections for electors of president and vice-president of the United States, governor, members of congress or members of the general assembly, under the penalty of one thousand dollars, to be recovered of any person who shall call such muster, or assemble such armed men, one-half to go to the use of the informer, and the other half to the use of the state.

Sec. 2713. Breaking up or staying elections. R. C., c. 34, s. 37.

Any person who, by force and violence, shall break up or stay any election, by assaulting the officers thereof, or depriving them of the ballot boxes, or by any other means, his aiders and abettors, shall be guilty of a misdemeanor, and imprisoned three months, and pay such fine as the court shall adjudge, not exceeding one hundred dollars.

Sec. 2714. Treating at elections. R. C., c. 52, s. 23. 1876-'7, c. 275, s. 46.

Any person who shall treat with either meat or drink, on any day of election, or on any day previous thereto,

with an intent to influence the election, shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other to the use of the person who shall sue for the same.

Sec. 2715. Intimidation of voters. 1868, c. 62, s. 4.

Any person who shall discharge from employment, withdraw patronage from, or otherwise injure, threaten, oppress, or attempt to intimidate any qualified voter of this state, because of the vote such voter may, or may not have cast in any election, shall be guilty of a misdemeanor.

Sec. 2716. Bribery at elections. R. C., c. 52, s. 22.

1868, c. 62, s. 1, 3. 1868-'9, c. 176, s. 1. 1876-'7, c. 275, s. 45.

Any person who shall, at any time before or after an election, either directly or indirectly, give, or promise to give, any money, property, or reward to any elector, or to any county or district, in order to be elected, or to procure any other person to be elected a member of the general assembly, or to any office under the laws of this state, shall forfeit and pay four hundred dollars to any person who will sue for the same, and shall be guilty of a misdemeanor; and any person who shall receive or agree to receive any such bribe shall also be guilty of a misdemeanor.

Sec. 2717. Betting on elections. 1858-'9, c. 49.

Any person who shall bet or wager any money or other thing of value upon any election held in this state shall be guilty of a misdemeanor.

Bettis v. Reynolds, 12 Ired., 344.

CONGRESSIONAL ELECTIONS.

Sec. 2718. United States senators. R. S., U. S., ss. 14, 19.

(For senators and their mode of election, see act of congress of the twenty-fifth of July, one thousand eight hundred and sixty-six, fourteenth statutes at large, chapter two hundred and forty-five, page two hundred and forty-three.)

Sec. 2719. Representation in congress; districts. 1883, c. 226.

For the purpose of selecting representatives in the

congress of the United States, the State of North Carolina shall be divided into nine districts, as follows:

First—Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

Second—Bertie, Craven, Edgecombe, Greene, Halifax, Jones, Lenoir, Northampton, Vance, Warren and Wilson.

Third—Bladen, Cumberland, Duplin, Harnett, Moore, Onslow, Pender, Sampson and Wayne.

Fourth—Alamance, Chatham, Durham, Franklin, Johnston, Nash, Orange and Wake.

Fifth—Caswell, Forsyth, Granville, Guilford, Person, Rockingham, Stokes and Surry.

Sixth—Anson, Brunswick, Cabarrus, Columbus, Mecklenburg, New Hanover, Richmond, Robeson, Stanly and Union.

Seventh—Catawba, Davidson, Davie, Iredell, Montgomery, Randolph, Rowan and Yadkin.

Eighth—Alexander, Alleghany, Ashe, Burke, Caldwell, Cleveland, Gaston, Lincoln, Watauga and Wilkes.

Ninth—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey.

Sec. 2720. Congressmen from the state at large; when there shall be such, and how elected.

Whenever by a new apportionment of representatives among the several states, the number of representatives in the congress of the United States from North Carolina shall be either increased or decreased, and neither the congress nor the general assembly shall provide for the election of the same, then if the said representatives shall be increased, the increased number shall be elected by the qualified voters of the whole state and shall be voted for on one ballot; and the representatives from the several congressional districts shall be elected by the voters of the said districts respectively, and shall each be voted for on another ballot. But if the number of said representatives shall be decreased as aforesaid, in that event all the representatives in congress shall be elected by the qualified voters of the whole state, and shall be voted for on one ballot.

Sec. 2721. Time and manner of conducting congressional elections. R. C., c. 52, s. 4. 1876-'7, c. 275, s. 49.

The election for members of Congress shall be held at

the same time and places as prescribed for holding elections for members of the general assembly, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-four, and on said day every two years thereafter or on such days as the congress shall have prescribed, and shall be conducted by the sheriffs, or by other persons appointed therefor, in like manner as elections for members of the general assembly.

Sec. 2722. Vacancies in representation, how filled. R. C., c. 52, s. 5. 1876-'7, c. 275, s. 50.

If, at any time after the expiration of any congress, and before another election, or if at any time after an election, there shall be a vacancy in the representation in congress, the governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships in their respective counties at such time as may be appointed therein, and at the places established by law, then and there to vote for a representative in congress to fill the vacancy; and the election shall be conducted in like manner as regular elections.

Sec. 2723. Representatives in congress commissioned by the governor. 1871-'2, c. 185, s. 26. 1876-'7, c. 275, s. 51.

Every person duly elected a representative to congress, upon obtaining a certificate of his election from the secretary of state, shall procure from the governor a commission, certifying his appointment as a representative of the state, which the governor shall issue on such certificate being produced.

BOARD OF STATE CANVASSERS.

Sec. 2724. Compensation of registrars, returning officers, and the members of the board of state canvassers. 1871-'2, c. 185, s. 28. 1876-'7, c. 275, ss. 37, 52. 1879, c. 152, s. 8. 1881, p. 625, Resolution of January 18th.

The registrar shall receive one cent for each name copied from the original registration book, and three cents for each new name registered. Every sheriff, or other returning officer, shall be allowed two dollars and fifty cents per day for the time actually employed, and ten cents per mile for distance traveled, for making the returns for senators, and sixty cents for each notice served

upon the county officers elect, and sixty cents for giving certificates to representatives to the general assembly and to the senators whose district is a single county, all to be paid by the county treasurer, upon the affidavit of the returning officer. Clerks and registers of deeds shall also be allowed the usual record and registration fees for recording or making duplicates of the election returns, to be paid by the county. The senatorial members of the board of state canvassers, while engaged in the discharge of their duties, shall receive the same *per diem* and mileage as members of the general assembly. The said board may employ two clerks at a compensation of four dollars per day each during the sessions of the board.

Sec. 2725. Board of state canvassers, who shall constitute. 1876-'7, c. 275, s. 53.

The governor, secretary of state, attorney general, and two members of the state senate, one of each political party, to be selected by the governor, shall constitute the board of state canvassers, but no member thereof shall take part in canvassing the votes for any office for which he himself is a candidate. But in every such case the other members of the board shall select some person to act in the place of such candidate.

O'Hara v. Powell, 80—103.

Sec. 2726. Returns not received in time, secretary of state shall obtain original abstracts. 1876-'7, c. 275, s. 54.

If the abstracts or returns from any county shall not be received at the office of the secretary of state by the third Monday after the day of election, the said secretary is authorized to obtain from the register of deeds, or clerk of the superior court of such county, at the expense of such county, the original abstracts or returns, or if they have been forwarded, copies of them.

Sec. 2727. Abstracts to be opened, when and by whom. 1876-'7, c. 275, ss. 55, 56.

The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the day of election, and examine the returns, if they shall have been received from all the counties, and if not all received they may adjourn not exceeding twenty days, for the purpose of obtaining the returns from all the counties, and when these are received shall proceed with the canvass; such

canvass shall be conducted publicly in the hall of the house of representatives. They shall make an abstract, stating the number of legal ballots cast for each candidate, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received, and stating whom they ascertain and judicially determine by the count to be elected to the office, which abstract shall be signed by the board of canvassers, in their official capacity as state canvassers, and have the seal of the state affixed thereto.

O'Hara v. Powell, 80—103.

Sec. 2728. Records of the returns to be kept by the secretary of state. 1876-'7, c. 275, s. 57.

The secretary of state shall record the abstract or abstracts in a book to be kept by him for recording the result of elections, and to be called the "election book," and shall also file the abstract or abstracts.

Sec. 2729. Certificate of election, when, how and to whom furnished. 1876-'7, c. 275, s. 58.

A certificate shall be prepared for each person elected, and signed by the secretary of state, and shall be delivered to the person elected when he shall demand the same.

O'Hara v. Powell, 80—103.

Sec. 2730. Statement of votes cast for officers of the executive department to be published by state canvassers. 1876-'7, c. 275, s. 59.

The board of state canvassers shall estimate the votes cast for officers of the executive department, from the abstracts forwarded to the secretary of state, and shall publish a statement of the result of such calculation, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to section three, article three, of the constitution.

O'Hara v. Powell, 80—103.

Sec. 2731. Judges and solicitors shall be commissioned by the governor; when term of office shall begin, elections for such and for those whose terms shall be about to expire. 1876-'7, c. 275, s. 60.

Justices of the supreme court, judges of the superior court, and solicitors shall be commissioned by the gov-

error, and their terms of office shall begin on the first day of January next succeeding their election. An election for officers, whose terms shall be about to expire, shall always be held at the general election, next preceding the expiration of their terms of office.

O'Hara v. Powell, 80--103.

MISCELLANEOUS.

Sec. 2732. Illegal registration. 1876-'7, c. 275, s. 61.

Any person who shall cause or procure his name to be registered in more than one election ward or precinct, or shall cause or procure his name, or that of any other person, to be registered, knowing that he or the person whose name he has procured to be registered, is not entitled to vote in the ward or election precinct wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of the state, and shall be punished for every such offence by a fine not exceeding one thousand dollars, or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Sec. 2733. Persons having been convicted of an infamous crime may be challenged and required to answer; convicted person not allowed to vote unless restored to the rights of citizenship. 1876-'7, c. 275, s. 62.

If any person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged convictions; but his answer to such questions shall not be used against him in any criminal prosecution, but if any person so convicted shall vote at any election, without having been restored to the rights of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both.

Sec. 2734. Powers and duties of judges of election in regard to the examination of voters. 1876-'7, c. 275, s. 63.

The judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and

for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation, touching such right. And if any judge of election shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such vote, shall be deemed to have received the same knowing it to be illegal.

Sec. 2735. Powers of the judges of election, and the various boards of canvassers. 1876-'7, c. 275, s. 64.

The judges and inspectors of election in each ward or precinct, the board of county canvassers of each county, and the board of state canvassers shall respectively possess full power and authority to maintain order, and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any such judge or inspector of election, or board of county canvassers, or board of state canvassers, or by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may by an order in writing, signed by their chairman, and attested by their clerk, commit the person so offending to the common jail of the county for a period of not exceeding thirty days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such township or precinct board of election, or board of county canvassers, or board of state canvassers, in writing, and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Sec. 2736. Official vacancies, how filled. 1876-'7, c. 275, s. 65.

Whenever any vacancies shall exist by reason of death, resignation or otherwise, in any of the following offices, to wit: secretary of state, auditor, treasurer, superintendent of public instruction, attorney general, solicitor, justices of the supreme court, and judges of the superior

court, the same shall be filled by elections, to be held in the manner and places, and under the same regulations and rules as prescribed for general elections, at the next regular election for members of the general assembly which shall occur more than thirty days after such vacancy, except as otherwise provided for in the constitution.

Cloud v. Wilson, 72—155.

Sec. 2737. How vacancies in the general assembly to be filled. 1868, c. 23, s. 1. 1876-'7, c. 275, s. 42.

When a vacancy occurs in the general assembly by death, resignation or otherwise, it shall be the duty of the sheriff of the county in which the late member resided, provided the general assembly shall not be in session, to notify the governor of such vacancy, and in case the general assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer of the house in which the vacancy occurs to notify the governor of the same, who shall thereupon issue a writ of election to the sheriff or sheriffs of the district or county represented by the late member, said election to be held at such time as the governor may designate, and in such manner as may be prescribed by law.

Sec. 2738. Elections ordered by the governor shall be conducted as other elections. R. C., c. 52, s. 17. 1876-'7, c. 275, s. 43.

Every election, held in pursuance of a writ from the governor, shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by the general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding and the persons elected to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

Sec. 2739. Qualifications of voters in municipal elections. 1876-'7, c. 275, s. 66.

All qualified electors who shall have resided for ninety days immediately preceding an election within the limits of any ward of a city or town, and not otherwise, shall have the right to vote in such ward for mayor and other city or town officers.

People v. Canady, 73—198.

Sec. 2740. Intoxicating liquors not to be given away or sold on day of election. 1868, c. 28, ss. 1, 2.

Any person who shall give away, or sell, any intoxicating liquors except for medical purposes and upon the prescription of a practicing physician, at any place within five miles of the polling place, at any time within twelve hours next preceding or succeeding any public election, whether general, local or municipal, or during the holding thereof, shall be guilty of a misdemeanor, and fined not less than one hundred, nor more than one thousand dollars.

State v. Stamey, 71—202.

Sec. 2741. On what day elections shall be held. 1876-'7, c. 275, s. 77.

Unless otherwise provided, all general elections shall be held on the Tuesday next after the first Monday in November of the year in which there shall be an election.

Rhodes v. Lewis, 80—136 ; Clarke v. Carpenter, 81—309; Kilburn v. Latham, 81—312.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.**Sec. 2742. When election to be held. 1868, c. 45, s. 1. 1876-'7, c. 275, s. 67.**

On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and eighty-four, and every four years thereafter, or on such days as the congress of the United States shall have directed, a poll shall be opened in each of the precincts of the state for the election of electors of president and vice-president of the United States, the number of whom is to be equal to the number of senators and representatives in congress to which this state may be entitled, and the persons so chosen shall be electors for the state as aforesaid.

Sec. 2743. Names of electors to be on each ballot; how electors allotted. 1868, c. 45, s. 2. 1876-'7, c. 275, s. 68.

The names of the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the state may be divided, and against the name of each person shall be designated the

number of the congressional district to which he belongs.

Sec. 2744. Election to be as in case of state officers. 1868, c. 45, s. 3. 1876-'7, c. 275, c. 69.

The election shall be conducted, and the returns made, as nearly as may be, as directed in relation to the election of state officers, except as herein otherwise expressed.

Sec. 2745. Meeting of county canvassers, their duties; sheriff to send certificate of election to secretary of state. 1876-'7, c. 275, s. 70.

The county canvassers shall meet in the court house of their respective counties as hereinbefore provided, and shall ascertain and determine, by faithful addition, the number of legal votes for every person who shall have been voted for as an elector within the county, and shall certify the same under their hands, in the manner and form following, to wit:

"We, the county canvassers for county, do hereby certify that an election was held on the day and at the places fixed by law within said county, for electors of president and vice-president of the United States, and that the number of votes hereinafter specified, opposite the names of the several persons following, was given for such persons as electors for the state of North Carolina, of president and vice-president of the United States, namely: D. G. F. (here state the number of votes for D. G. F.) For J. M. L. (here state the number of votes for J. M. L., and so on until the list of persons voted for, and the number of votes shall be complete). Given under our hands this day of in the year A. D.

Three fair copies of such certificate and return shall be made by the board of county canvassers, under their hands, and one of the same shall be immediately delivered to the sheriff of the county, whose duty it shall be to attend at the meeting of said canvassers, and who shall forthwith make proclamation and read the same through at the court house door; and the said sheriff shall immediately thereafter seal up said copy in an envelope, and transmit the same by mail, in a registered letter, or otherwise, to the secretary of state at the capitol in Raleigh, so that he shall receive the same within twelve days after the day of said election; and one of said copies, together with the original precinct returns, shall be delivered to the clerk of the superior court, who shall record the said copy in the "election book," and file the originals of said copy in his office. And one copy shall be delivered to the register of deeds, to be

registered in his office. The clerk of the superior court shall, immediately after the same shall have been delivered to him, send a copy of the certificate of the board of county canvassers, sealed with the seal of his office, to the secretary of state at Raleigh, so that he may receive the same within twelve days after said election. And in case of failing to make such returns within the time herein prescribed, such sheriff, clerk, or other officer whose duty it shall be so to do, shall forfeit and pay to the state the sum of five hundred dollars, to be recovered by the attorney general, in the superior court for the county of Wake.

Sec. 2746. Secretary of state to deliver returns to board of state canvassers; duties of the board; organization of the electors. 1876-'7, c. 275, s. 71.

The secretary of state, within three days after the expiration of the time hereinbefore provided for the delivery to him of said certificates and returns, shall deliver the same to the board of state canvassers, whose duty it shall be to then attend, in the presence of such other persons as may choose to be present, in the hall of the house of representatives in the capitol, open the certificates and returns and proceed to canvass the same, and ascertain and determine the result: *Provided*, that if the return from any county shall not, by that time, have been received by the secretary of state from the sheriff or clerk of the superior court, then the board of state canvassers shall order and compel a duplicate return from the clerk of the superior court, or register of deeds, or both, in such manner as they may think best; and for that purpose may adjourn from day to day not to exceed ten days. The board of state canvassers in canvassing said returns shall merely add up the returns, as certified by the county canvassers, but it shall be their duty to disregard any such apparent clerical error or any such technical informality as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the canvass, the board shall make an abstract of all the votes cast, and shall deliver the same to the secretary of state, together with the original returns from the several counties, to be filed in his office. The secretary of state shall copy said abstracts in the "election book," directed in this chapter to be kept in his office, and shall, under his hand and the seal of his office, certify to the governor the

names of as many persons receiving the highest number of votes for electors of president and vice-president as the state may be entitled to in the electoral college. The governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol in the city of Raleigh, at noon, on the Tuesday preceding the first Wednesday of December next after his election, at which time said electors shall meet, and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the state so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for president and vice-president of the United States. And the governor shall, on or before the first Wednesday in December, make out three lists of the names of the said ten persons so elected and appointed electors, and cause the same to be delivered to them, as directed by the act of congress.

Sec. 2747. College of electors to proceed in conformity to the constitution and laws of the United States. 1876-'7, c. 275, s. 72.

The persons elected and appointed as electors of president and vice-president of the United States, shall assemble on the said first Wednesday in December, at the capitol in the city of Raleigh, and then and there give their votes on behalf of the state of North Carolina, for president and vice-president of the United States, and proceed in relation thereto in all things conformably to the constitution of the United States and the act of congress in that behalf.

Sec. 2748. Vacancies in offices of president and vice-president ; governor to order another election for electors. 1876-'7, c. 275, s. 73.

Whenever the offices of president and vice-president of the United States shall both become vacant, the governor, upon receiving a notification of such vacancy from the secretary of state of the United States, shall forthwith issue his proclamation directing the sheriffs of the several counties, or other proper officers, to hold elections within their respective counties for the appointment of electors of president and vice-president of the United

States, on the days of the year in which such vacancy may happen, as is herein prescribed for holding the regular and stated elections: *Provided*, that there shall be a space of two months between the date of such notification and the said first Wednesday of December; but if there should not be such space, the governor shall specify in his proclamation that the electors shall be elected in the year next ensuing the date of such notification, on the day aforesaid; and the electors appointed, in the manner by this section directed, shall meet at the capitol, in the city of Raleigh, and proceed, as hereinbefore provided, for electors of president and vice-president, chosen at a regular election for the same.

Sec. 2749. Electors failing to attend; officers making false returns; refusal by register of deeds, or clerk of the superior court, to furnish certified copies of the returns; penalties. 1876-'7, c. 275, s. 74.

Each elector chosen, with his own consent previously signified, failing to attend and vote for a president and vice-president of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the state five hundred dollars, to be recovered by the attorney general in the superior court of Wake county. And any person making, or certifying, or delivering, or transmitting a false return of an election, held hereunder, or making any erasure or alteration in the poll books, shall be guilty of an infamous crime, and imprisoned not less than one year, and shall, in addition, forfeit and pay five hundred dollars, one-half to the use of the person who will sue for the same, and the other half to the use of the state. Any officer who shall refuse to permit any candidate, or person qualified to vote, at his own expense, to have a copy of the poll books, shall forfeit and pay two hundred dollars, one-half to the person who shall sue for the same, and the other half to the use of the state. Any register of deeds, or clerk of the superior court, who shall refuse to make and give to any person a duly certified copy of the returns of an election, or of a tabulated statement of an election hereinbefore directed to be deposited in his office, upon the tender of the fees therefor, shall be guilty of a misdemeanor, and, upon conviction, ousted of his office, and imprisoned for one year.

Sec. 2750. Compensation and privileges of electors. 1815, c. 886, s. 6. R. C., c. 41, s. 7. 1876-'7, c. 275, s. 75.

The electors shall be allowed for their traveling ex-

penses to and from the city of Raleigh, and their attendance, the same compensation as may be allowed members of the general assembly, and shall be entitled to the same privileges.

CHAPTER SEVENTEEN.

ENTRIES AND GRANTS.

SECTION.	SECTION.
2751. What lands subject to entry; lands covered by water; swamp lands.	2767. Enterer failing to pay, subsequent enterer entitled to a grant.
2752. Every person owning lands covered by navigable water may establish fisheries thereon.	2768. In case of lapse same person not to re-enter within one year.
2753. Persons improving such lands shall have prior right to the use thereof; penalty for damaging owner.	2769. Surveys, how made and returned; chain-carriers to be sworn; special surveyor, when appointed.
2754. Entries may be made by <i>bona fide</i> residents of the state, whether citizens or not.	2770. Surveys to be according to priority of entry.
2755. Unauthorized entries and grants are void.	2771. When warrant of survey lost, duplicate may be issued.
2756. Entry taker, how elected.	2772. Entry-taker dying or resigning, successor to issue warrants.
2757. In case of a vacancy the register of deeds shall act until another entry-taker is elected.	2773. How entry-takers may make entries for themselves.
2758. Bond of entry-taker.	2774. How surveyors may have surveys made for themselves.
2759. Office of entry-taker shall be kept at the court house.	2775. Entry-takers to make annual returns to secretary of state.
2760. Oath of office and fees of entry-taker.	2776. Penalty for failure to make return; how recovered.
2761. Irregular entries validated.	2777. State treasurer to receive entry money.
2762. County surveyor to give bond.	2778. Grant to be issued by secretary of state on certificate of auditor.
2763. Surveyors may appoint deputies.	2779. Grants, how authenticated; must be registered.
2764. Price at which lands may be entered.	2780. Enterer dying, grant to issue in heirs' name.
2765. Entries and warrants, how made and issued.	
2766. When entry fees to be paid.	

SECTION.	SECTION.
2781. Seal of grant lost, may be renewed.	be made within three years of date of grant.
2782. Certain grants issued to surveyors confirmed.	2786. Persons aggrieved by issuing of grants or patents, how to proceed.
2783. Certain other grants validated.	2787. Judgment in such cases; to be recorded in the office of the secretary of state.
2784. Grants on entries extending into two or more counties confirmed.	2788. Action, when and how brought by the attorney general to vacate letters patent.
2785. Mistakes of surveyor and secretary of state; application to	

Sec. 2751. What lands subject to entry; lands covered by water; swamp lands. R. C., c. 42, s. 1. 1854-'5, c. 21.

All vacant and unappropriated lands, belonging to the state, shall be subject to entry by any citizen thereof, in the manner hereinafter provided, except:

(1) Lands covered by navigable waters: *Provided*, that persons owning lands on any navigable sound, river, creek or arm of the sea, for the purpose of erecting wharves on the side of the deep waters thereof, next to their lands, may make entries of the lands covered by water, adjacent to their own, as far as the deep water of such sound, river, creek, or arm of the sea, and obtain title as in other cases. But persons making such entries shall be confined to straight lines, including only the fronts of their own tracts, and shall in no respect obstruct or impair navigation.

And when any such entry shall be made in front of the lands in any incorporated town, the town corporation shall regulate the line on deep water, to which entries may be made.

And for all lands thus entered, there shall be paid into the treasury the sum of one dollar per acre.

Also when any person shall have erected a wharf on public lands of the description aforesaid, before the passage of this section, such person shall have liberty to enter said land, including his wharf, under the restrictions, and upon the terms above set forth.

(2) Lands covered by the waters of any lake, or which, though now covered, may hereafter be gained therefrom by the recession, draining, or diminution of such waters, or have been so gained heretofore, and not lawfully entered.

(3) Marsh or swamp land, where the quantity of land in any one marsh or swamp exceeds two thousand acres,

or where, if of less quantity, the same has been surveyed by the state, or by the president and directors of the literary fund of North Carolina, with a view to draining and reclaiming the same.

Provided, marsh or swamp lands, unsurveyed as aforesaid, not exceeding fifty acres in one body, though lying within a marsh or swamp of a greater number of acres than two thousand, may be entered, when the same shall be situated altogether between the lines of tracts heretofore granted.

Jones v. Jones, 1 Hay., (489) 563; McKenzie v. Hewlett, N. C. T. R., 181; Strother v. Cathey, 1 Mur., 162; Murray v. Sermon, 1 Hawks, 56; Tatum v. Sawyer, 2 Hawks, 226; Featherstone v. Mills, 4 Dev., 596; O'Kelly v. Clayton, 2 D. & B., 246; Hough v. Dumas, 4 D. & B., 328; Hatfield v. Grimstead, 7 Ired., 139; Stanmire v. Powell, 13 Ired., 312; Com'rs v. Duncan, 1 Jon., 234; Harry v. Graham, 6 Jon., 460; Hoover v. Thomas, Phil., 184; Skinner v. Hetrick, 73—53; Hall v. Hollifield, 76—476; Wilson v. Land Co., 77—445; State v. Bevers, 86—588.

Sec. 2752. Every person owning lands covered by navigable water may establish fisheries thereon. 1874-'5, c. 183, ss. 1, 6.

Whenever any person shall acquire title to lands covered by navigable water under the preceding section, the owner or person so acquiring title shall have the right to establish fisheries upon said lands; but this right shall not exempt any person from punishment for the obstruction of navigation.

Sec. 2753. Persons improving such lands shall have prior right to the use thereof; penalty for damaging owner. 1874-'5, c. 183, ss. 2, 3, 4.

Whenever the owners of such lands shall improve the same by clearing off and cutting therefrom logs, roots, stumps or other obstructions, so that the said land may be used for the purpose of drawing or hauling nets or seines thereon for the purpose of taking or catching fish, then and in that case the person who makes or causes to be made the said improvements, his heirs and assigns, shall have prior right to the use of the land so improved, in drawing, hauling, drifting or setting nets or seines thereon, and it shall be unlawful for any person, without the consent of such owner, to draw or haul nets or seines upon the land so improved by the owner thereof for the purpose of drawing or hauling nets or seines thereon. This section shall apply where the owner of such lands shall erect, or shall have erected, platforms or structures

of any kind thereon to be used in fishing with nets and seines. And any person who shall wilfully destroy or injure the said platform or structures, or shall interfere with or molest the owner in the use of any such lands, or in any other manner shall violate this section, shall be guilty of a misdemeanor.

Sec. 2754. Entries may be made by bona fide residents of the state, whether citizens or not. 1869-'70, c. 19, s. 1.

All entries of land subject to entry by the laws of this state, by or for any person or persons who have or may come into the state with the *bona fide* intent of becoming residents and citizens thereof, shall be as good and effectual as if such entries had been made by a citizen or citizens of the state: *Provided*, that such enterer or enterers shall comply with the laws in relation to such entries.

Mockridge v. Howerton, 72—221; Wilson v. Land Co., 77—445.

Sec. 2755. Unauthorized entries and grants are void. R. C., c. 42, s. 2.

Every entry made, and every grant issued, for any lands not herein authorized to be entered or granted, shall be void.

Clemmons v. Fore, 2 Ired. Eq., 312; Maxwell v. Wallace, 3 Ired. Eq., 593.

Sec. 2756. Entry-taker, how elected. 1868-'9, c. 100, s. 6. 1868-'9, c. 173, s. 1.

The board of commissioners of the several counties shall elect one person to receive entries of claims for lands within each county; and such entry-taker shall hold his office for four years.

Clemmons v. Fore, 2 Ired. Eq., 312; Maxwell v. Wallace, 3 Ired. Eq., 593.

Sec. 2757. In case of a vacancy the register of deeds shall act until another entry-taker is elected. 1868-'9, c. 100, s. 2. 1868-'9, c. 173, s. 2.

When a vacancy exists in the office of entry-taker, the register of deeds shall act as entry-taker until such vacancy is filled by an election by the commissioners. The register of deeds, in such case, shall take charge of the books belonging to the office, shall discharge all the duties and receive the emoluments, and shall be subject to the rules, regulations and penalties prescribed for entry-takers.

Sec. 2758. Bond of entry-taker. 1868-'9, c. 173, s. 3.

Every entry-taker shall enter into bond in the sum of

five hundred dollars, payable to the state, with sufficient security to be approved by the county commissioners, for the faithful discharge of the duties of his office.

Sec. 2759. Office of entry-taker shall be kept at the court house. 1868-'9, c. 173, s. 4.

The entry-taker shall keep his office at the court house of his county, or within one mile thereof, on pain of forfeiting one hundred dollars to the county, to be sued for by the county treasurer.

Sec. 2760. Oath of office and fees of entry-taker. 1868-'9, c. 173, s. 5.

The entry-taker shall take the oath of office and receive the fees, and no other, prescribed in the chapters respectively entitled "Oaths" and "Salaries and Fees."

Sec. 2761. Irregular entries validated. 1868-'9, c. 100, s. 4. 1868-'9, c. 173, s. 6. 1874-'5, c. 48, s. 1.

Wherever persons have irregularly entered lands and have paid the fees required by law to the secretary of state, and have obtained grants for such lands duly executed, then and in that case the title to the said lands shall not be affected by reason of such irregular entries; and the said grants are hereby declared to be as good and valid, as if such entries had been properly made.

Sec. 2762. County surveyor, to give bond. R. C., c. 42, s. 5. 1777, c. 114, s. 13. 1881, c. 144.

The county surveyor of each county shall enter into bond in the sum of one thousand dollars payable to the state of North Carolina, with sufficient surety for the faithful discharge of the duties of his office.

Sec. 2763. Surveyors may appoint deputies. R. C., c. 42, s. 6. 1779, c. 140, s. 5.

Every surveyor may appoint deputies, who shall, previous to entering on the duties of their office, be qualified in a similar manner with the surveyor; and the surveyor making such appointment shall be liable for the conduct of such deputies, as for his own conduct in office.

Sec. 2764. Price at which lands may be entered. R. C., c. 42, s. 7. 1833, c. 11.

Twenty-five cents shall be paid to the state treasurer for every acre of land that may be entered; *Provided*, no person shall enter more than one hundred acres within any

one year at that price; and if any person shall enter more than one hundred acres in the same survey or in any one year, he shall pay fifty cents for every acre he may enter.

Clemmons v. Fore, 2 Ired. Eq., 312; Wilson v. Land Co., 77—445.

Sec. 2765. Entries and warrants, how made and issued.

R. C., c. 42, s. 11. 1777, c. 114, s. 5. 1783, c. 185, s. 11.

The claimant of land shall produce to the entry-taker a writing, signed by such claimant, setting forth where the land is situated, the nearest water-courses, mountains and remarkable places, and such water courses and remarkable places as may be therein, the natural boundaries and the lines of any other person, if any, which divide it from other lands; and every such writing shall be on one quarter sheet of paper at least, and be indorsed by the entry-taker with the name of the claimant, the number of acres claimed, and date of the entry; and a copy thereof shall be entered in a book, well bound, and ruled with a large margin into spaces of equal distance, each space to contain one entry only, and every entry to be made in the order of time in which it shall be received, and numbered in the margin. The entry-taker shall thereupon cause to be posted at the court house door of the county, in which the land is situated, a copy of such entry, which copy shall remain posted for ten days; and for this service the entry-taker shall be entitled to a fee of twenty five cents, to be paid by the applicant. If any person shall claim title to or an interest in the land covered by the entry, or any part thereof, he shall, within the time the copy is posted as before provided, file his protest in writing with the entry-taker against the issuing of a warrant thereon; and upon the filing of such protest the entry-taker shall certify copies of the entry and protest to the superior court, and thereupon a notice shall be issued by the clerk of said court to the claimant, commanding him to appear at the next term of said court and show cause why his entry shall not be declared inoperative and void. In case no protest is filed, or where the protest is filed, and the right of the claimant to make the entry is sustained, the entry-taker shall deliver to the party a copy of the entry, with its proper number and a warrant to the surveyor to survey the same, which warrant shall contain a copy of the entry with its number and date, and a certificate that notice has been given as herein-above provided, and that no protest has been filed, or that protest has been filed and that the court has decided in favor of the claimant. Each

warrant shall be delivered to the surveyor in the order of time in which the entry was made.

Terrell v. Mauney, 2 Mur., 375; *Harris v. Ewing*, 1 D. & B. Eq., 369; *Horton v. Cook*, 1 Jon. Eq., 270; *Currie v. Gibson*, 4 Jon. Eq., 25; *Ashley v. Sumner*, 4 Jon. Eq., 121; *Stanly v. Biddle*, 4 Jon. Eq., 383; *McDiarmid v. McMillan*, 5 Jon. Eq., 29.

Sec. 2766. When entry fees to be paid. R. C., c. 42, s. 8. 1854-'5, c. 49, s. 1.

All entries of land, made in the course of any one year, shall, in every event, be paid for, on or before the thirty-first day of December, which shall happen, in the second year thereafter; and all entries of land, not thus paid for, shall become null and void, and may be entered by any other person.

Clemmons v. Fore, 2 Ired. Eq., 312; *Wilson v. Land Co.*, 77—445.

Sec. 2767. Enterer failing to pay, subsequent enterer entitled to a grant. R. C., c. 42, s. 9. 1809, c. 771.

Whenever an entry of land shall be made in any entry-taker's office, and the enterer shall fail to pay the price for the same, within the time limited by law, any person who may have made a subsequent entry for the same land may pay the price and have a grant.

Stanly v. Biddle, 4 Jon. Eq., 383.

Sec. 2768. In case of lapse, same person not to re-enter within one year. R. C., c. 42, s. 10.

No lands entered on the books of the entry-taker, the entry of which shall be suffered to lapse by non-payment of the price thereof, shall be re-entered within one year after the time at which such entry shall lapse, by the person in whose name such entry was made, but such re-entry shall be void.

Sec. 2769. Surveys, how made and returned; chain-carriers to be sworn; special surveyor, when appointed. R. C., c. 42, s. 12. 1777, c. 114, s. 10.

Every county surveyor, upon receiving the copy of the entry and order of survey for any claim of lands, shall, as soon as may be, lay off and survey the same, agreeably to this chapter; and make thereof two fair plots, the scale whereof shall be mentioned on such plots; and shall set down in words the beginning, angles, distances, marks and water-courses, and other remarkable places crossed or touched by or near to the lines of such lands, and also the quantity of acres; and land lying on any

navigable water shall be surveyed in such manner that the water shall form one side of the survey, and the land be laid off back from the water; and he shall transmit the plots to the office of the secretary of state, or deliver them to the claimant, within one year, together with the warrant or order of survey; one of which, with the warrant, shall be filed by the secretary, and the other annexed to the grant; and no survey shall be made without chain-carriers, who shall actually measure the land surveyed, and shall be paid by the party for whom the survey shall be made; and such chain-carriers shall be sworn to measure justly and truly, and to deliver a true account thereof to the surveyor, which oath the surveyor is empowered and authorized to administer: *Provided*, when the office of county surveyor is vacant, the county commissioners may appoint a special surveyor to survey any lands that may be entered; and the plots and certificates of such special surveyor, accompanied by a copy of the order of the county commissioners appointing him, shall be held valid, as if done by a county surveyor duly elected.

Harris v. Ewing, 1 D. & B. Eq., 369.

Sec. 2770. Surveys to be according to priority of entry.

R. C., c. 42, s. 13. 1787, c. 279, s. 1.

The surveyor shall survey all entries of land according to the priority of entry, paying due respect to the number of each warrant; and every grant obtained by any subsequent entry, otherwise than is by this chapter directed, shall be void: *Provided*, nothing herein shall be construed to prevent any person who shall make a subsequent entry from surveying and obtaining a grant, as the law directs, for all such surplus land as shall remain, after the enterer of such land hath surveyed his entry as aforesaid.

Stanly v. Biddle, 4 Jon. Eq., 387.

Sec. 2771. When warrant of survey lost, duplicate may be issued. R. C., c. 42, s. 14. 1814, c. 878, s. 1.

When any person shall duly make an entry of lands which shall not have become void by lapse of time, and upon which the entry-taker shall issue his warrant of survey, and the same be lost by accident, the entry-taker, on due proof being made to his satisfaction, by affidavit of the claimant or the surveyor or deputy surveyor, may issue a duplicate warrant of survey, of the same tenor and date, taking care to set forth, on the face of said

warrant, that the same is a duplicate; in which case such warrant shall be made as valid as the original.

Sec. 2772. Entry-taker dying or resigning, successor to issue warrants. R. C., c. 42, s. 15. 1835, c. 19.

In all cases where an entry shall be made, and the entry-taker shall die or resign before a warrant shall be issued thereupon, his successor shall issue a warrant.

Sec. 2773. How entry-takers may make entries for themselves. R. C., c. 42, s. 16. 1777, c. 114, s. 17.

If any entry-taker shall desire to make an entry in his own name, the same shall be made in its proper place, before a justice of the peace of the county, not being a surveyor or assistant; which entry the justice shall return to the next meeting of the board of county commissioners, who shall insert it; and every entry made by or for such entry-taker, in any other manner, shall be void.

Sec. 2774. How surveyors may have surveys made for themselves. R. C., c. 24, s. 17. 1828, c. 23, s. 1.

When a county surveyor shall wish to have lands surveyed in a county where he acts as principal surveyor, for the purpose of obtaining a grant, the board of county commissioners of said county shall appoint some person to make the survey, and the entry-taker shall direct his warrant of survey to such person; and all certificates, surveys and plots of the same shall be made under the same regulations as prescribe the duty of the county surveyor in similar cases.

Sec. 2775. Entry-takers to make annual returns to secretary of state. R. C., c. 42, s. 18. 1796, c. 455, s. 9. 1881, c. 265.

Every entry-taker shall make return to the secretary of state annually, on the first day of January, of all lands entered with him, under a penalty of two hundred dollars

Sec. 2776. Penalty for failure to make return, how recovered. R. C., c. 42, s. 19. 1833, c. 15, s. 1.

The secretary of state shall furnish the attorney general, at every spring term of the superior court of Wake county, with a certificate of failure in every case where an entry-taker shall fail to make return according to law; and the attorney general shall move for judgment against

such entry-taker and his sureties, and the courts shall give judgment accordingly.

Sec. 2777. State treasurer to receive entry money. R. C., c. 42, s. 20. 1827, c. 23, s. 1. 1829, c. 30.

The state treasurer shall receive the money for vacant and unappropriated lands upon the presentation to him of the certificate of the secretary of state, setting forth the number and date of the entry, and the quantity of acres found by the surveyor to be vacant, as the same may appear by the returns made to him from the surveyor or entry-taker, or from the entry-taker's warrant, or the plots of survey.

Buchanan v. Fitzgerald, 6 Ired. Eq., 121.

Sec. 2778. Grant to be issued by secretary of state on certificate of auditor. R. C., c. 42, s. 21. 1799, c. 525, s. 4.

No grant shall issue on the treasurer's receipt for the money; but the auditor shall make out and deliver to the secretary of state a certificate, conformable to each receipt by him countersigned, on which the secretary shall issue the grant.

Knight v. Bogan, 1 Hay., 176; *Terrell v. Mauney*, 2 Mur., 375; *Reddick v. Leggett*, 3 Mur., 539; *Stamire v. Powell*, 13 Ired., 312; *Lovingood v. Burgess*, Busb., 407.

Sec. 2779. Grants, how authenticated; must be registered. R. C., c. 42, s. 22. 1783, c. 185, s. 14. 1796, c. 455, s. 1. 1799, c. 525, s. 2.

The secretary, on application of claimants, shall make out grants for all surveys returned to his office, which grants shall be authenticated by the governor, countersigned by the secretary and recorded in his office. The date of the entry shall be inserted in every grant, and no grant shall issue upon any survey, unless the same be signed by the surveyor of the county; and every person obtaining a grant for land shall, within two years after such grant shall be perfected as aforesaid, cause the same to be registered in the county where the land shall lie; and any person may cause to be there registered any certified copy of a grant from the office of the secretary of state, which shall have the same effect as if the original had been registered. Upon certificate from the entry-taker, that the claimant has assigned his interest under the entry, a grant shall be issued in the name of the assignee: *Provided*, that the said assignee is a citizen

and resident of this state, or shall have come into the state with the *bona fide* intent of becoming a resident and citizen thereof.

McKay v. Heaton, 3 Mur., 21; Hunter v. Williams, 1 Hawks, 221; Lunsford v. Bostian, 1 Dev. Eq., 483; Van Pelt v. Pugh, 1 D. & B., 210; Hill v. Jackson, 9 Ired., 333.

Sec. 2780. Enterer dying, grant to issue in his name. R. C., c. 42, s. 23. 1715, c. 41, s. 6. 1798, c. 493, s. 6.

In case of the death of any person having made an entry of lands, pending the same or before making out the grant, the secretary shall issue the grant in the name of the decedent; and those interested, as heirs at law, devisees, tenants in dower, by the courtesy or otherwise, shall have the same estate as if the land had been granted during the life of the decedent.

Sec. 2781. Seal of grant lost, may be renewed. R. C., c. 42, s. 24. 1807, c. 727.

In all cases where the seal annexed to a grant is lost or destroyed, the governor may, on the certificate of the secretary of state that the grant was fairly obtained, cause the seal of the state to be affixed thereto.

Sec. 2782. Certain grants issued to surveyors confirmed. R. C., c. 42, s. 25. 1828, c. 23, s. 2.

Grants of land made by the state to surveyors and deputy surveyors, prior to the first day of January, one thousand eight hundred and twenty-nine, upon surveys, plots, and certificates of the same, made by them for themselves respectively, without other illegality, and without fraud or partiality, the certificates in all cases being signed by the principal surveyor, are confirmed and declared to be good and valid.

Sec. 2783. Certain other grants validated. R. C., c. 42, s. 26. 1828, c. 46.

All grants issued by the secretary of state, previous to the year one thousand eight hundred and twenty, on surveys made fairly and without fraud, and signed by the deputy surveyor only, shall be good and effectual to pass all the right of the state in and to said land, in as full and ample a manner as if such returns had been made in due form: *Provided*, nothing herein shall affect any entries made, or grants obtained on legal returns for such lands, previous to the year one thousand eight hundred and twenty-nine.

Sec. 2784. Grants on entries extending into two or more counties, confirmed. R. C., c. 42, s. 27. 1805, c. 675. 1834, c. 17.

Whereas, many citizens of the state, on making entries of lands near the lines of the county wherein they reside, either for want of proper knowledge of the land laws of the state, or not knowing the county lines, have frequently made entries and extended their surveys on such entries into other counties than those wherein they were made, and obtained grants on the same; and whereas, doubts have existed with respect to the validity of the titles to lands situated as aforesaid, so far as they extend into other counties than those where the entries were made; for remedy whereof, it is hereby declared, that all grants issued on entries made for lands situated as aforesaid, when the money has been paid into the state treasury, shall be good and valid against any entries hereafter made or grants issued thereon.

Avery v. Strother, Conf. R., 434; Lunsford v. Bostian, 1 Dev. Eq., 483.

Sec. 2785. Mistakes of surveyor and secretary of state; application to be made within three years of date of grant. R. C., c. 42, s. 28. 1790, c. 326. 1798, c. 504. 1804, c. 655. 1814, c. 876.

Whenever there may be an error by the surveyor in plotting or making out the certificate for the secretary's office, or the secretary shall mistake in making out the courses agreeable to said returns, or misname the claimant, or make other mistake, so as such claimant shall be injured thereby, the claimant may prefer a petition to the superior court of the county in which the land lies, setting forth the injury which he might sustain in consequence of such error or mistake, with all the matters and things relative thereto; and the said court may hear testimony respecting the truth of the allegations set forth in the petition; and if it shall appear by said testimony, from the return of the surveyor or the error of the secretary, that the patentee is liable to be injured thereby, the court shall direct the clerk to certify the facts to the secretary of state, who shall file the same in his office, and correct the error in the patent, and likewise in the records of his office. The costs of such suit shall be paid by the petitioner, except when any person may have made himself a party to prevent the prayer of the petitioner being granted, in which case the costs shall be paid as the court may decree. The benefits granted by this section to the patentees of land shall be extended in all cases to persons

claiming by, from or under their grants, by descent, devise, or purchase. When any error is ordered to be rectified, and the same has been carried through from the grant into mesne conveyances, the court shall direct a copy of the order to be recorded in the register's books of the county: *Provided*, no such petition shall be brought, but within three years after the date of the patent; and if brought after that time, the court shall dismiss the same, and all proceedings had thereon shall be null and of no effect: *Provided further*, nothing herein shall affect the rights or interests of any person claiming under a patent issued between the period of the date of the grant alleged to be erroneous, and the time of filing the petition, unless such person shall have had due notice of the filing of the petition, by service of a copy thereof, and an opportunity of defending his rights before the court according to the course of the common law.

Sec. 2786. Persons aggrieved by the issuing of grants or patents, how to proceed. R. C., c. 42, s. 29.

When any person claiming title to lands under a grant or patent from the king of Great Britain, any of the lords proprietors of North Carolina, or from the state of North Carolina, shall consider himself aggrieved by any grant or patent issued or made since the fourth day of July, one thousand seven hundred and seventy-six, to any other person, against law or obtained by false suggestions, surprise or fraud, the person aggrieved may bring a civil action in the superior court for the county in which such land may be, together with an authenticated copy of said grant or patent, briefly stating the grounds whereon such patent should be repealed and vacated, whereupon the grantee, patentee, or the person, owner or claimant under such grant or patent shall be required to show cause why the same shall not be repealed and vacated.

Terrell v. Mauney, 2 Mur., 375; *Johnson v. Baker*, 3 Mur., 319; *Person v. Carter*, 3 Mur., 322; *Greenlee v. Tate*, 1 Dev., 300; *Bradley v. Souther*, 1 Dev., 427; *Crow v. Holland*, 1 Dev., 481; 4 Dev., 417; 4 Dev., 495; *O'Kelly v. Clayton*, 2 D. & B., 246; *Miller v. Twitty*, 3 D. & B., 14; *Hoyt v. Rich*, 4 D. & B., 533.

Sec. 2787. Judgment in such cases to be recorded in the office of the secretary of state. R. C., c. 42, s. 30.

If, upon verdict or demurrer the court believe that the patent or grant was made against law or obtained by fraud, surprise, or upon untrue suggestions, they may vacate the same; and a copy of such judgment, after be-

ing recorded at large, shall be filed by the petitioner in the secretary's office, where it shall be recorded in a book kept for that purpose; and the secretary shall note in the margin of the original record of the grant the entry of the judgment, with a reference to the record in his office.

Sec. 2788. Action, when and how brought by the attorney general to vacate letters patent. C. C. P., s. 367.

An action may also be brought by the attorney general, in the name of the state, for the purpose of vacating or annulling letters patent granted by the state, in the following cases:

(1) When he shall have reason to believe that such letters patent were obtained by means of some fraudulent suggestion or concealment of a material fact, made by the person to whom the same were issued or made, or with his consent or knowledge; or

(2) When he shall have reason to believe that such letters patent were issued through mistake, or in ignorance of a material fact; or

(3) When he shall have reason to believe that the patentee, or those claiming under him, have done or omitted an act, in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same.

Crow v. Holland, 4 Dev., 417; McDowell v. Asbury, 66—444; Ray v. Castle, 79—530.

CHAPTER EIGHTEEN.

EXPRESS COMPANIES.

SECTION.

2789. Articles not called for within a specified time may be sold;

SECTION.

application of proceeds of sale.

Sec. 2789. Articles not called for within a specified time may be sold; application of proceeds of sale. 1871-'2, c. 179.

Whenever any express company, exercising the right and privilege of transportation for hire, shall have received at the place designated for delivery any articles of property, and the same shall not be called for and deliv-

ered according to the terms upon which such company may have agreed to carry them, within six months from and after the time of receiving them at said place of delivery, then and in that case it shall be lawful for such company to sell for cash the said articles at public auction at such place as may be designated by the company, after having duly advertised the time, place and terms of sale for the space of thirty days in some newspaper published in the county, or as near thereto as may be, wherein such sale is intended to be made; the proceeds of such sale shall be applied in the first place to the payment of all costs and charges of carriage due to such company, together with all expenses incident to the making of such sale, and the residue, if any, shall be deposited in some convenient national bank, located in the state, to be selected by the company, for the use and benefit of such person as may be entitled thereto.

CHAPTER NINETEEN.

FAIRS.

SECTION.	SECTION.
2790. Fairs appointed by board of county commissioners.	2795. Duties of police.
2791. Board to appoint commissioners to regulate fairs.	2796. Violation of rules of society a misdemeanor.
2792. Inhabitants to have free liberty of fairs.	2797. Exemption from seizure under execution.
2793. Appointment of police.	2798. Society may appoint an auctioneer.
2794. Policemen to be sworn; their powers.	

Sec. 2790. Fairs appointed by board of county commissioners. R. C., c. 47, s. 1.

The board of county commissioners, a majority being present, may appoint fairs in their respective counties, at such places as they may judge most proper for the convenience of the inhabitants, so as to give encouragement to industry, by collecting the inhabitants for the purpose of bartering and selling all such articles as they may wish to dispose of.

Sec. 2791. Board to appoint commissioners to regulate fairs. R. C., c. 47, s. 2. 1794, c. 421, ss. 2, 4.

When any board of county commissioners may resolve to establish a fair, they shall appoint commissioners, a majority of whom may regulate and conduct the same by a system of by-laws for the government thereof, to be approved by the board and entered of record; and such rules, being consistent with the law of the land, shall be as valid and effectual as if they had been expressed by act of assembly.

Sec. 2792. Inhabitants to have free liberty of fairs. R. C., c. 47, s. 3. 1794, c. 421, s. 3.

The inhabitants of any county wherein a fair may be established shall have free liberty to attend the same, dispose of and buy or barter the articles brought thereto, subject, nevertheless, to such rules as the commissioners may form for the regulation thereof.

Sec. 2793. Appointment of police. 1870-'1, c. 184, s. 1.

The agricultural, horticultural or other society for the encouragement of agriculture or mechanical or other industrial art or business, incorporated by any law of this state or acting under a general law, shall, for the preservation of order and the protection of exhibitions, have power by their executive committee or other authorized officers, to appoint policemen with the powers and duties hereafter mentioned.

Sec. 2794. Policemen to be sworn; their powers. 1870-'1, c. 184, s. 2.

Such policemen shall be sworn to the performance of their duty before a judge, mayor or other chief officer of any city or town, or any justice of the peace, whereupon they shall have the same power and duties for the arrest of criminals and disorderly persons as are possessed by the constables or policemen of any city or town, within the fair grounds or within one hundred yards thereof, and such power and authority shall continue for a period extending from Friday before the week of the fair to Tuesday after the same, both inclusive.

Sec. 2795. Duties of police. 1870-'1, c. 184, s. 3.

It shall be the duty of such policemen to assist in carrying into effect the rules and regulations adopted by the lawful authorities of such agricultural or other societies

as aforesaid, and any drunken or disorderly person, or any person who shall, after being warned, continue to break the rules or regulations of the society, may be excluded or removed from the fair grounds, and if, after being so excluded, he shall offer to enter the same without the permission of the society, he shall be guilty of a misdemeanor.

Sec. 2796. Violation of rules of society a misdemeanor. 1870-'1, c. 184, s. 4.

If any person, without license of the owner, or any agricultural or other society as aforesaid, shall unlawfully carry away, remove, destroy, mar, deface or injure anything animate or inanimate, while on exhibition on the grounds of any such society, or going to or returning from the same, he shall be guilty of a misdemeanor. It shall be sufficient in any indictment for any such offence, or for the larceny of any such thing, animate or inanimate as aforesaid, to charge that the thing so carried away, destroyed, marred, injured or feloniously stolen, is the property of the society to which the said thing shall be forwarded for exhibition.

Sec. 2797. Exemption from seizure under execution. 1870-'1, c. 184, s. 5.

Anything animate or inanimate shall not be liable to seizure under execution, attachment or other process of law, while on exhibition on any fair grounds of any such society as aforesaid, or going to or returning from any such grounds, such exemption being only for a period of five days before, and five days after any fair.

Sec. 2798. Society may appoint an auctioneer. 1870-'1, c. 184, s. 6.

Any agricultural society shall have power to appoint an auctioneer to sell at auction things animate or inanimate, which have been exhibited at any fair on the fair grounds, and such sales being made during the week of the fair, shall not be liable to taxation, nor shall such auctioneer, selling only as aforesaid, be liable to pay a license tax.

CHAPTER TWENTY.

FENCES AND STOCK LAW.

SECTION.
 2799. Planters to keep sufficient fences.
 2800. How common fence shall be made and maintained.
 2801. Fence erected on dividing line by one owner only.
 2802. When land owner authorized to remove his half of joint fence; notice; penalty for illegally removing such fence.
 2803. Controversy about fence on dividing line; value of fence, how ascertained and adjusted.
 2804. Report of jurors about the kind of fence to be kept up.
 2805. Report to be returned to register of deeds.
 2806. Final judgment binding on the owners of the lands.
 2807. Remedy against delinquent owner.
 2808. How water-course may be made a lawful fence.
 2809. Notice of petition required.
 2810. Board of county commissioners may declare any water-course a lawful fence.
 2811. Unlawful for live stock to run at large within the limits of a county, township or district, which shall adopt the stock law; penalties.
 2812. County elections.
 2813. Township elections.
 2814. District or territorial elections.
 2815. Elections, how held and conducted.

SECTION.
 2816. Stock running at large to be impounded.
 2817. Owner of impounded stock to be notified; sale of stock; application of proceeds.
 2818. Misappropriation of money by impounder.
 2819. Penalty for receiving or releasing impounded stock.
 2820. Penalty for injuring fences or leaving open gate.
 2821. Land adjoining stock law territory, how enclosed; neighborhood stock law; previous elections validated.
 2822. Definition of word "stock."
 2823. Fence to be built around stock law territory.
 2824. Fence may be built by assessment upon land owners.
 2825. Land of persons objecting to fence may be condemned.
 2826. Powers and duties of the board of commissioners.
 2827. Persons living within stock law territory allowing stock to run at large beyond the limits of said territory; misdemeanor.
 2828. Trespassing upon lands of another without permission; misdemeanor.
 2829. Wilful riding or driving of horses over cultivated lands, in stock law territory; evidence.
 2830. Land owner to post notices; misdemeanor to tear down or mutilate them.

Sec. 2799. Planters to keep sufficient fences. R. C., c. 48, s. 1. 1777, c. 121, s. 2. 1791, c. 354, s. 1.

Every planter shall make a sufficient fence about his cleared ground under cultivation, at least five feet high, unless there shall be some navigable stream or deep water-course that shall be sufficient, instead of such fence, and unless his lands shall be situated within the limits of a county, township or district, wherein the stock law may be in force.

State v. Bell, 3 Ired., 506; State v. Lamb, 8 Ired., 229; State v. Waters, 6 Jon., 276; State v. Perry, 64—335; State v. Staton, 66—640; State v. Taylor, 69—543; Burgwyn v. Whitfield, 81—261; Ruuyon v. Patterson, 87—343.

Sec. 2800. How common fence shall be made and maintained. 1868-'9, c. 275, s. 1.

Where two or more persons shall have lands adjoining, which shall be either cultivated or used as a pasture for stock, the respective owners of each piece of land shall make and maintain the one-half of the fence upon the dividing line.

Sec. 2801. Fence erected on dividing line by one owner only. 1868-'9, c. 275, s. 2.

Where the owner of one piece shall have chosen neither to cultivate his land, nor to pasture, nor to permit his stock to run on it, if he shall afterwards do either, without so enclosing such stock that they cannot enter on the lands of such adjoining owner, he shall refund to such owner one-half the value at that time of any fence erected by him on the dividing line.

Sec. 2802. When land owner authorized to remove his half of joint fence; notice; penalty for illegally removing such fence. 1868-'9, c. 275, s. 8. 1883, c. 111.

If any owner of land liable to contribute for the keeping up of a division fence, shall determine neither to cultivate his land nor permit his stock to run thereon, he may give the adjoining owner three months' notice of his determination; and in that case, at any time after the expiration of such notice, and between the first day of January and the first day of March, but at no other time, he may remove the half of the fence kept up by himself, and shall be no longer liable to keep up the same; and if any person shall remove any part of such fence contrary to this section he shall be guilty of a misdemeanor.

State v. Watson, 86—626.

Sec. 2803. Controversy about fence on dividing line; value of fence, how ascertained and adjusted. 1868-'9, c. 275, s. 3.

The value of such fence shall be ascertained as follows: Either owner may summon the other to appear before any justice of the peace of the township in which the dividing line is situate; or if it be situate in more than one township, then before any justice of the peace of any township in which any part of it is situate. In his summons he shall name a certain day, not less than five days after the summons, for the appearance of the defendant; he shall also state the purpose of the summons to be the adjustment of all matters in controversy respecting the dividing fence between the parties. The justice shall hear the complaint and defence. If the facts be found such as entitle either party to demand contribution of the other, the justice shall call on the complainant to name an indifferent person, qualified to act as a juror of the township, and if the complainant refuses the justice shall name one for him. The justice shall then call on the defendant to name an indifferent person, qualified to act as a juror of the township, and if the defendant refuses the justice shall name one for him. The justice shall then name a third indifferent person. These three persons, or any two of them, shall view the premises and decide all matters in controversy between the parties, relating to a fence on the dividing line. They shall make a written report to the justice, who shall give judgment thereon, and for the costs, which shall be paid by the owners of the several pieces of land equally. The jurors shall each receive one dollar per day. The fees of the justice and constable shall be as in other cases. Either party may appeal as provided in other cases of justice's judgments.

Sec. 2804. Report of jurors about the kind of fence to be kept up. 1868-'9, c. 275, s. 4.

The report of the jurors shall also state the kind of fence which ought to be kept up, and assign to each owner, in such manner as that it may be identified, the part which he shall keep up.

Sec. 2805. Report to be returned to the register of deeds. 1868-'9, c. 275, s. 5.

The justice shall return the report, together with a transcript of the proceedings, to the register of deeds of his county for registration. The justice shall collect

from the parties the fees of the register, and pay the same to him.

Sec. 2806. Final judgment binding on the owners of the lands. 1868-'9, c. 275, s. 6.

The final judgment upon the report of the jurors shall be binding on the owners of the respective lands and their assigns, so long as such ownership shall continue, or until the same shall be set aside, modified or reversed.

Sec. 2807. Remedy against delinquent owner. 1868-'9, c. 275, s. 9.

If any person who is liable to build or keep up a part of any division fence, shall fail at any time to do so, the owner of the adjoining land, after notice, may build or repair the whole, and recover of the delinquent the one-half of the cost before any court having jurisdiction.

State v. Watson, 86—626.

Sec. 2808. How water-course may be made a lawful fence. 1872-'3, c. 112, s. 1.

Any five electors, residents of the same county, may apply to the board of commissioners of the county, at any regular meeting of the same, by written petition praying that any water-course, or any part of any water-course, in the county, may be made a lawful fence.

Sec. 2809. Notice of petition required. 1872-'3, c. 112, s. 2.

Notice of such petition shall be posted forty days at the court house door, by the clerk of the board before such petition shall be acted upon.

Sec. 2810. Board of county commissioners may declare any water-course a lawful fence. 1872-'3, c. 112, ss. 3, 4.

Upon the hearing of such petition, the board of county commissioners is authorized to declare any water-course or any part of any water-course to which the petition applies, a lawful fence. And the several acts of the general assembly, declaring certain water-courses, in part or in whole, lawful fences, are so far repealed as to enable the board of commissioners of any county to declare any of such acts or parts thereof, to be null and void in said county. Any order made under this section shall be of record and signed by the chairman, and may be rescinded by the board of commissioners at any regular meeting.

Sec. 2811. Unlawful for live stock to run at large within the limits of a county, township or district, which shall adopt the stock law as in this chapter provided; penalties.

No person shall allow his live stock to run at large within the limits of any county, township or district, if the qualified voters of such county, township or district shall adopt the provisions of this chapter relating to the stock law; and no person living within the limits of such stock law territory shall permit any of his live stock to go or enter upon the lands of another without having obtained leave from the owner of such lands. Any person violating this section shall be guilty of a misdemeanor. The penalties for violating this section and the succeeding sections of this chapter shall apply to all localities where a stock law prevails or shall prevail pursuant to law.

Newsom v. Earnheart, 86—391; *Runyon v. Patterson*, 87—343.

Sec. 2812. County elections.

Upon the written application of one-fifth of the qualified voters of any county made to the board of commissioners thereof, it shall be the duty of said commissioners from time to time to submit the question of "stock law" or "no stock law" to the qualified voters of said county. And if at any such election a majority of the votes cast shall be in favor of said stock law, then the provisions of this chapter relating to the stock law shall be in force over the whole of said county.

Cain v. Com'rs, 86—8.

Sec. 2813. Township election.

Upon the written application of one-fifth of the qualified voters in any township, made to the board of commissioners of the county wherein said township is situated, it shall be the duty of said commissioners to submit the question of "stock law" or "no stock law" to the qualified voters of said township; and if at any such township election a majority of the votes cast shall be in favor of "stock law," then the said stock law shall be in force in said township.

Simpson v. Com'rs, 84—158; *Newsom v. Earnheart*, 86—391.

Sec. 2814. District or territorial election.

Upon the written application of one-fifth of the qualified voters of any district or territory, whether the boundaries of said district follow township lines or not, made to the board of county commissioners at any time, and

setting forth well defined boundaries of said district, it shall be the duty of the said commissioners to submit the question of "stock law" or "no stock law" to the qualified voters of said district, and if, at any such election, a majority of the votes cast shall be in favor of "stock law," then the said stock law shall be in force over the whole of said district.

Newsom v. Earnheart, 86—391.

Sec. 2815. Elections, how held and conducted.

Every election under this chapter shall be held and conducted under the same rules and regulations and according to the same penalties provided by law for the election of members of the general assembly: *Provided*, no such county, township or district election shall be held oftener than once in any one year.

Sec. 2816. Stock running at large to be impounded.

Any person may take up any live stock running at large within any township or district wherein the stock law shall be in force and impound the same; and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same, with the right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, to be selected by the owner and said impounder, said freeholders to select an umpire, if they cannot agree, and their decision to be final.

Sec. 2817. Owner of impounded stock to be notified ; sale of stock ; application of proceeds.

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 wilfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice posted at three or more public places within the township where said stock is impounded, and describing the said stock and stating place, day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner, and also at the court house door, shall sell the stock at public auction, and apply the proceeds in accordance with the preceding and succeeding sections, and the balance he shall turn over to the owner if known; and if

the owner be not known, to the county commissioners for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands for six months to the call of the legally entitled owner.

Sec. 2818. Misappropriation of money by impounder.

Any impounder wilfully misappropriating money that he may receive under this chapter, or in any manner wilfully violating any of its provisions, shall be guilty of a misdemeanor.

Sec. 2819. Penalty for receiving or releasing impounded stock.

Any person unlawfully receiving or releasing any impounded stock, or unlawfully attempting to do so, shall be guilty of a misdemeanor.

Sec. 2820. Penalty for injuring fences or leaving open gate.

Any person wilfully tearing down, or in any manner breaking a fence or gate, or leaving open a gate erected around a stock law territory, or wilfully breaking any enclosure within any township, district or county where a stock law is in force, and wherein any stock is confined, so that the same may escape therefrom, shall be guilty of a misdemeanor.

Sec. 2821. Land adjoining stock law territory, how enclosed; neighborhood stock law; previous elections validated.

Any person, or any number of persons, owning land in a county, district or township, which shall not adopt the stock law, or adjoining any county, township or district where a stock law prevails, may have his or their lands enclosed within any fence built in pursuance of this chapter. All such adjacent lands, when so enclosed, shall be subject to all the provisions of law with respect to live stock running at large within the original district so enclosed, as if it were a part of the township, county or district with which it is hereby authorized to be enclosed. Any number of land owners, whose lands are contiguous, may at any time build a common fence around all their lands, with gates across all public highways; and no live stock shall run at large within any such enclosure, under the pains and penalties prescribed in this chapter: *Provided*, in all cases where an election has been held,

and the board of county commissioners shall have declared the result in favor of the stock law, and the fence has been built, the same is hereby declared in all respects valid, notwithstanding any irregularities in the election or otherwise; and no live stock shall run at large within such enclosure under the pains and penalties prescribed in this chapter.

Sec. 2822. Definition of word "stock."

The word "stock" in this chapter shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennets, and all neat cattle and swine.

Sec. 2823. Fence to be built around stock law territory.

The stock law authorized by this chapter shall not be enforced until a fence shall have been erected around any territory proposed to be enclosed, with gates on all the public roads passing into and going out of said territory: *Provided*, all streams which are or may be declared to be lawful fences shall be sufficient boundaries, in lieu of fences: *Provided further*, no fence shall be erected along the boundary lines of any county, township or district where a stock law prevails.

Sec. 2824. Fence may be built by assessment upon land owners.

For the purpose of building stock law fences, the board of commissioners of the county may levy and collect a special assessment upon all real property, taxable by the state and county, within the county, township or district which may adopt the stock law, but no such assessment shall be greater than one-fourth of one per centum on the value of said property.

Simpson v. Com'rs, 84—158; *Cain v. Com'rs*, 86—8; *Shuford v. Com'rs*, 86—552.

Sec. 2825. Land of person objecting to fence may be condemned.

If the owner of any land shall object to the building of any fence herein allowed, his land, not exceeding twenty feet in width, shall be condemned for the fence-way as land is condemned for railroad purposes by the chapter entitled "Railroad and Telegraph Companies."

Com'rs v. Cook, 86—18.

Sec. 2826. Powers and duties of the board of commissioners.

The board of commissioners of the county may provide

for a new registration of voters, designate places for holding elections, and make all regulations, and do all other things necessary to carry into effect the provisions of this chapter relating to the stock law.

Sec. 2827. Persons living within stock law territory allowing stock to run at large beyond the limits of said territory, misdemeanor.

Any person having stock within the limits of a stock law territory, and allowing the same to run at large beyond the boundaries of said territory, shall be guilty of a misdemeanor.

Sec. 2828. Trespassing upon lands of another without permission; misdemeanor.

If any person by riding or driving upon the lands of another without permission, or while driving live stock along any roadway, public or private, shall wilfully, deliberately or recklessly do, or permit to be done some actual injury to said lands, or to the crops or other property growing or being thereon, he shall be guilty of a misdemeanor. But no such offender shall be proceeded against, unless the party injured or some one in his behalf shall cause a warrant to be issued, or an indictment to be found against the party offending, within fifteen days after the commission of the offence.

Sec. 2829. Wilful riding or driving of horses over cultivated lands, in stock law territory, evidence. 1883, c. 391, ss. 1, 3.

Any person who, in any stock law territory, shall wilfully, and not as the result of an accident, ride any horse or mule, or drive any horse or mule, either loose or to any vehicle or wagon, over the cultivated or enclosed lands of another, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace shall be fined not exceeding ten dollars, at the discretion of the court.

Upon the trial of any person for the violation of this section, it shall be necessary for the land owner, or his agent, to prove by at least one credible witness that the lands trespassed upon were posted as hereinafter required; and the said notice was up at the time the trespass was committed.

Sec. 2830. Land owner to post notices; misdemeanor to tear down or mutilate them. 1883, c. 91, ss. 2, 4.

Any land owner, or his agent, desiring the protection

of the preceding section, shall be required to post up either a written or printed notice at, not less than, four conspicuous places on said land, forbidding any person from trespassing on his lands, or the lands for which he is agent, and any person tearing down, mutilating or defacing any notice posted up as required in this section shall be guilty of a misdemeanor, and fined not exceeding ten dollars or imprisoned not exceeding ten days, at the discretion of the court.

CHAPTER TWENTY-ONE.

GAME—HUNTING—WILD FOWL.

SECTION.	SECTION.
2831. Penalty for hunting on land of another after advertisement forbidding it.	2837. Restrictions on hunting wild fowl on Sunday, at night, &c.
2832. Penalty for hunting or killing deer during certain months.	2838. Penalty for violation of the preceding section; fines to go to school fund of county; justices of the peace to issue warrants.
2833. School committee can sue for damages.	2839. Hunting with fire prohibited; penalty; informer to receive half of fine.
2834. Unlawful to kill, &c., certain birds within certain dates.	2840. Unlawful to kill wild fowl; and unlawful for non-residents to trap, &c., in certain counties
2835. Unlawful to export or transport quail or partridges from the state.	
2836. Unlawful to take or destroy eggs of quail or partridges; misdemeanor; penalty.	

Sec. 2831. Penalty for hunting on land of another after advertisement forbidding it. R. C., c. 16, s. 4. 1784, c. 212, ss. 5, 7.

Any person who shall hunt, with gun or dogs, on the lands of another, without leave obtained from the owner, shall for every offence forfeit and pay ten dollars to the party aggrieved: *Provided*, no such recovery shall be had, unless the owner of the land, by advertisement posted up at the court house door of the county, and at two or more public places in the county where the land is situate, has forbidden the person so hunting, by name, or all persons generally, to hunt on his land. And the

person hunting after having been so forbidden shall be guilty of a misdemeanor, and fined not exceeding ten dollars, or imprisoned not exceeding ten days for each and every offence.

Sec. 2832. Penalty for hunting or killing deer during certain months. 1871-'2, c. 68, s. 1. 1876-'7, c. 30.

Any person who shall hunt with gun, or chase with a dog, or shall kill or destroy any deer running wild in the woods, between the fifteenth day of February and the fifteenth day of August next thereafter ensuing, unless in an inclosure surrounded by a sufficient fence, at least five feet high, and where such person shall have a lawful right so to do, shall pay a penalty of fifty dollars for each offence to any person suing for the same, one-half for his use and the other for the use of the public school of the school district wherein the offence is committed, and shall be guilty of a misdemeanor.

Sec. 2833. School committee can sue for damages. 1871-'2, c. 68, s. 2.

In the event that no one has brought a prior suit, and prosecuted the same in good faith for the penalty prescribed in the preceding section, it shall be the duty of the school committee of any township where the said offence shall be committed, to sue for the same, and the whole of their recovery shall be to themselves for the use of their school district. And they shall cause any person so offending to be prosecuted by indictment for such offence.

Sec. 2834. Unlawful to kill, &c., certain birds within certain dates. 1874-'5, c. 195. 1881, c. 254.

No person shall kill or shoot, trap or net any partridges, quail, doves, robins, lark, mocking-birds or wild turkeys, between the first day of April and the fifteenth day of October in each year; and the person so offending shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each offence.

Sec. 2835. Unlawful to export or transport quail or partridges from the state. 1876-'7, c. 195. 1880, c. 57.

No person shall export or transport from the state any quail or partridges, whether dead or alive, and any person violating this section shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not more than thirty days for each offence.

Sec. 2836. Unlawful to take or destroy eggs of quail or partridges; misdemeanor; penalty. 1881, c. 220, ss. 2, 3.

No person shall at any time take or destroy the eggs of partridges or quail; and any person violating this section shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

Sec. 2837. Restrictions on hunting wild fowl on Sunday, or at night, &c. 1870-'1, c. 27, s. 2. 1874-'5, c. 259.

No person shall hunt or shoot wild fowl on the Lord's day, commonly called Sunday; or hunt or shoot them on any day of the week after the hour of sunset and before the hour of daylight, with gun or fire, or use any gun other than can be fired from the shoulder.

Sec. 2838. Penalty for violation of the preceding section; fines to go to school fund of the county; justices of peace to issue warrants. 1870-'1, c. 27, ss. 4, 5, 6. 1874-'5, c. 259.

Any person violating the preceding section shall be guilty of a misdemeanor, and fined not less than one hundred dollars or imprisoned not less than thirty days. And all fines collected or imposed under this section shall go to the common school fund of the county: *Provided*, any person giving information of the violation of said preceding section to the proper persons shall, upon conviction of the parties, be entitled to receive one-half of said fine.

It shall be the duty of the justice of the peace, upon information of the violation of the preceding section, to issue his warrant for the arrest of the offender, and, if found guilty by him, he shall bind him over in such sum as he thinks proper, (provided that such amount shall not exceed two hundred and fifty dollars,) to the next term of any court having jurisdiction.

Sec. 2839. Hunting with fire prohibited; penalty; informer to receive half of fine. 1868-'9, c. 250, s. 1. 1874-'5, c. 235.

Any person hunting wild fowl with fire shall be guilty of a misdemeanor, and fined not less than twenty nor more than fifty dollars, and shall be imprisoned not less than ten nor more than thirty days; and any person who shall inform the court or solicitor of the district, or any justice of the peace, of the name of any person violating

this section, shall be entitled, upon conviction of the defendant, to receive one-half of said fine.

Sec. 2840. Unlawful to kill wild fowl; and unlawful for non-residents to trap, &c., in certain counties. 1883, c. 152, ss. 1, 2, 3.

No person shall kill, for sale, any wild fowl in the waters of Currituck county between the tenth days of March and November of each year, or ship out of the state between said dates any wild fowl killed in the waters aforesaid; and no non-resident shall shoot any wild fowl in any of the waters of Currituck and Dare counties from any blind, box, battery, or float of any kind which is not on land at the time; and any person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

CHAPTER TWENTY-TWO.

GAMING CONTRACTS.

SECTION.	SECTION.
2841. Gaming or betting contracts void.	or property lent for betting are void.
2842. Contracts or judgments thereon to repay or secure money	2843. Players and betters competent witnesses.

Sec. 2841. Gaming or betting contracts void. R. C., c. 51, s. 1. 1810, c. 796.

All wagers, bets or stakes made to depend upon any race, or upon any gaming by lot or chance, or upon any lot, chance, casualty or unknown or contingent event whatever, shall be unlawful; and all contracts, judgments, conveyances and assurances for and on account of any money or property, or thing in action, so wagered, bet or staked, shall be void.

Wood v. Wood, 3 Mur., 172; Forest v. Hart, 3 Mur., 458; Bettis v. Reynolds, 12 Ired., 344.

Sec. 2842. Contracts or judgments thereon to repay or secure money or property lent for betting are void. R. C., c. 51, s. 2.

All contracts, judgments, conveyances and assurances

to repay or secure any money, or property, or thing in action, lent or advanced for the purpose of such wagering, betting, or staking as aforesaid, shall be void.

Turner v. Peacock, 2 Dev., 303; Hudspeth v. Wilson, 2 Dev., 372; Dunn v. Holloway, 1 Dev. Eq., 322; Teague v. Perry, 64—29.

Sec. 2843. Players and betters competent witnesses. R. C., c. 51, s. 3.

No person shall be excused or incapacitated from confessing or testifying touching any money or property, or thing in action, so wagered, bet or staked, or lent for such purpose, by reason of his having won, played, betted or staked upon any game, lot or chance, casualty, or unknown or contingent event aforesaid; but the confession or testimony of such person shall not be used against him, in any criminal prosecution, on account of such betting, wagering or staking.

CHAPTER TWENTY-THREE.

GENERAL ASSEMBLY.

SECTION.	SECTION.
2844. Apportionment of members of the senate.	failing to testify; elector compelled to discover for whom he voted.
2845. Apportionment of members of the house of representatives.	2852. Persons offering bribe to a member, indicted and punished for felony; legislator accepting bribe to forfeit his seat and be punished as for felony.
2846. Members of the general assembly, securing their election by bribery or corrupt practices, to be expelled.	2853. Powers of committees of investigations.
2847. Members shall convene at the time and place appointed.	2854. Penalty for failure to give evidence.
2848. Penalty on members failing in their duties.	2855. Presiding officers may administer oaths in certain cases.
2849. Members to have freedom of speech and be protected from arrest.	2856. Any committeeman may administer oaths.
2850. How to contest the seat of a member.	2857. Penalty for false swearing.
2851. Depositions in contested elections; penalty on witnesses	2858. How to appear before a committee in person or by counsel.

SECTION.

- 2859. Committee denying request of applicant to be heard, he may appeal to the general assembly.
- 2860. Pay of witnesses giving testimony.
- 2861. Private act ought not to be passed unless notice of an application for the enactment has been previously advertised.
- 2862. Acts of the general assembly, when to take effect.
- 2863. Term of office of door-keeper.
- 2864. State treasurer to furnish the general assembly estimates of the expenses of the state government.
- 2865. Directors of the asylums and of the penitentiary, and the state treasurer shall submit with their respective reports to the general assembly bills for the support of their departments.
- 2866. Reports and bills to be pre-

SECTION.

- presented and submitted to the general assembly, with the governor's message; distribution of copies.
- 2867. Journals of general assembly deposited in office of secretary of state.
- 2868. The principal clerks to index the journals; compensation.
- 2869. Secretary of state to have the laws printed without delay.
- 2870. Principal clerks to hold offices until successors are appointed.
- 2871. Two door-keepers appointed by keeper of the capitol to place the legislative halls in order for the general assembly.
- 2872. Mileage and *per diem* of the clerks and door-keepers of the general assembly.
- 2873. Employees of the senate and house, how paid.
- 2874. Grave-stones provided for members of the general assembly interred in Raleigh.

Sec. 2844. Apportionment of members of the senate. 1881, c. 296. 1883, c. 407.

Until another apportionment of the state shall be had in accordance with the terms of the constitution and laws of North Carolina, the senate shall be composed of members elected from districts constituted as follows:

First district—Currituck, Camden, Pasquotank, Hertford, Gates, Chowan and Perquimans shall elect two senators.

Second district—Tyrrell, Washington, Martin, Dare, Beaufort, Hyde and Pamlico shall elect two senators.

Third district—Northampton and Bertie shall elect one senator.

Fourth district—Halifax shall elect one senator.

Fifth district—Edgecombe shall elect one senator.

Sixth district—Pitt shall elect one senator.

Seventh district—Wilson, Nash and Franklin shall elect two senators.

Eighth district—Craven shall elect one senator.

Ninth district—Jones, Onslow and Carteret shall elect one senator.

Tenth district—Duplin and Wayne shall elect two senators.

Eleventh district—Greene and Lenoir shall elect one senator.

Twelfth district—New Hanover and Pender shall elect one senator.

Thirteenth district—Brunswick and Bladen shall elect one senator.

Fourteenth district—Sampson shall elect one senator.

Fifteenth district—Columbus and Robeson shall elect two senators.

Sixteenth district—Cumberland and Harnett shall elect one senator.

Seventeenth district—Johnston shall elect one senator.

Eighteenth district—Wake shall elect one senator.

Nineteenth district—Warren and Vance shall elect one senator.

Twentieth district—Orange, Durham, Person and Caswell shall elect two senators.

Twenty-first district—Granville shall elect one senator.

Twenty-second district—Chatham and Alamance shall elect one senator.

Twenty-third district—Rockingham shall elect one senator.

Twenty-fourth district—Guilford shall elect one senator.

Twenty-fifth district—Randolph and Moore shall elect one senator.

Twenty-sixth district—Richmond and Montgomery shall elect one senator.

Twenty-seventh district—Anson and Union shall elect one senator.

Twenty-eighth district—Cabarrus and Stanly shall elect one senator.

Twenty-ninth district—Mecklenburg shall elect one senator.

Thirtieth district—Rowan and Davie shall elect one senator.

Thirty-first district—Davidson shall elect one senator.

Thirty-second district—Stokes and Forsyth shall elect one senator.

Thirty-third district—Surry and Yadkin shall elect one senator.

Thirty-fourth district—Iredell, Wilkes and Alexander shall elect two senators.

Thirty-fifth district—Alleghany, Ashe and Watauga shall elect one senator.

Thirty-sixth district—Caldwell, Burke, McDowell, Mitchell and Yancey shall elect two senators.

Thirty-seventh district—Catawba and Lincoln shall elect one senator.

Thirty-eighth district—Gaston and Cleveland shall elect one senator.

Thirty-ninth district—Rutherford and Polk shall elect one senator.

Fortieth district—Buncombe and Madison shall elect one senator.

Forty-first district—Haywood, Henderson and Transylvania shall elect one senator.

Forty-second district—Jackson, Swain, Macon, Cherokee, Clay and Graham shall elect one senator.

Sec. 2845. Apportionment of members of the house of representatives. 1881, c. 291.

Until the general assembly shall make another apportionment, as provided by the constitution and laws of North Carolina, the house of representatives shall be composed of members elected from the counties in the following manner, to wit: The county of Wake shall elect four members; the county of Mecklenburg shall elect three members; the counties of Buncombe, Chatham Cumberland, Davidson, Edgecombe, Franklin, Granville, Guilford, Halifax, Iredell, Johnston, New Hanover, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Sampson, Warren and Wayne shall elect two members each; and the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Davie, Duplin, Forsyth, Gaston, Gates, Graham, Greene, Harnett, Haywood, Henderson, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancy shall elect one member each. Until the next apportionment Durham county shall vote with Orange county, and Vance with Warren county.

Sec. 2846. Members of the general assembly securing their election by bribery or corrupt practices, to be expelled. R. C., c. 52, s. 24. 1801, c. 580, s. 2.

If any person elected a member of the general assem-

bly shall, by himself or any other person, directly or indirectly, give, or cause to be given, any money, property, reward or present whatsoever, or give, or cause to be given by himself or another, any treat or entertainment of meat or drink, at any public meeting or collection of the people, to any person for his vote or to influence him in his election, such person shall, on due proof, be expelled from his seat in the general assembly.

Sec. 2847. Members shall convene at the time and place appointed. R. C., c. 52, s. 27. 1787, c. 277, s. 1.

Every person, elected to represent any county or district in the general assembly, shall appear at such time and place as may be appointed for the meeting thereof, on the first day, and attend to the public business as occasion shall require.

Sec. 2848. Penalty on members for failing in their duties. R. C., c. 52, s. 28. 1787, c. 277, s. 2.

If any member shall fail to appear, or shall neglect to attend to the duties of his appointment, he shall forfeit and pay for not appearing ten dollars, and two dollars for every day he may be absent from his duties during the session, to be deducted from his pay as a member: *Provided*, a majority of the members of either house of the general assembly may remit the fines and forfeitures aforesaid, or any part thereof, where it shall appear that the person hath been prevented from attending his duties by sickness or other sufficient cause.

Sec. 2849. Members to have freedom of speech and be protected from arrest. R. C., c. 52, s. 29. 1787, c. 277, s. 3.

The members shall have freedom of speech and debate in the general assembly, and shall not be liable to impeachment or question, in any court or place out of the general assembly for words therein spoken; and shall be protected, except in cases of crime, from all arrest and imprisonment, or attachment of property, during the time of their going to, coming from or attending the general assembly.

Sec. 2850. How to contest the seat of a member. R. C., c. 52, s. 31. 1796, c. 466, s. 1.

No person shall be allowed to contest the seat of any member of the general assembly unless he shall have given to the member thirty days' notice thereof in wri-

ting, which must state the particular grounds of such contest. If the seat is contested on account of the reception of illegal votes, the notice must set forth the number of such votes, by whom given, and the supposed disqualifications; and if the same is contested on account of the rejection of legal votes, the notice must give the names of the persons whose votes were rejected. No evidence shall be admitted to show that the contestant received illegal votes, unless he shall also have been notified the same number of days, and in the same manner. The same notice of time and place required in taking depositions shall be required and proved on the investigation.

Sec. 2851. Depositions in contested elections; penalty on witnesses failing to testify; elector compelled to discover for whom he voted. R. C., c. 52, s. 32. 1800, c. 557, s. 1. 1868-'9, c. 270, s. 12.

Any justice of the peace, or any person duly authorized to take depositions to be read before courts, may take depositions to be used on the investigation, and may issue subpoenas for witnesses, which shall be executed by any officer authorized to execute process. And if any witness shall fail to appear and give his deposition according to the subpoena, he shall forfeit and pay to the party causing him to be summoned, forty dollars. And on such investigation no witness in this, or in the case of any other contested election, shall be excused from discovering whether he voted at such election, or his qualification to vote, except as to his conviction for any offence which would disqualify him. And if he was not a qualified voter, he shall be compelled to discover for whom he voted; but any witness making such discovery shall not be subject to criminal or penal prosecution for having voted at such election.

Sec. 2852. Persons offering bribe to a member, indicted and punished for felony; legislator accepting bribe to forfeit his seat and be punished as for felony. 1868-'9, c. 176, s. 5.

Any person who shall directly or indirectly promise, offer or give, or cause, or procure to be promised, offered or given, any money, goods, bribe, present or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or any other valuable thing whatever, to any member of the senate or house of representatives of this state after his election as such

member, and either before or after he shall have qualified and taken his seat, with intent to influence his vote or decision on any question, matter, cause or proceeding which may then be pending before the general assembly, or which may come before him for action in his capacity as a member of the general assembly, and shall thereof be convicted, said person so offering, promising or giving, or causing or procuring to be promised, offered or given any such money, goods, bribe, present or reward, or any bond, contract, undertaking, obligation or security for the payment or delivery of any money, goods, bribe, present or reward, or other valuable thing whatever, and the member elect who shall, in any wise accept or receive the same or any part thereof shall be liable to an indictment as for a felony, and fined not exceeding double the amount so offered, promised or given, and imprisoned in the penitentiary not exceeding five years, and the person convicted of so accepting or receiving the same or any part thereof shall forfeit his seat in the general assembly and be forever disqualified to hold any office of honor, trust or profit under this state.

Sec. 2853. Powers of committees of investigation. 1869-'70, c. 50, s. 1.

Any committee of investigation raised either by joint resolution or resolution of either house of the general assembly has full power to send for persons and papers, and, if necessary, to compel attendance and production of papers by attachment or otherwise.

Sec. 2854. Penalty for failure to give evidence. 1869-'70, c. 5, s. 2.

Any person wilfully failing or refusing to attend or produce papers, in accordance with the preceding section, on summons of any committee of investigation, either select or committee of the whole, shall be guilty of a misdemeanor, and on conviction in the superior court of the county in which such witness may reside or be found, shall be fined not less than five hundred dollars nor more than one thousand dollars, and shall be subject to imprisonment at the discretion of the court.

Sec. 2855. Presiding officers may administer oaths in certain cases. 1883, c. 19.

The president of the senate is authorized to administer oaths for the qualification of senators and officers of the senate, and the speaker of the house of representatives

is authorized to administer oaths for the qualification of all officers of the house and all members who shall appear after the election of speaker.

Sec. 2856. Any committeeman may administer oaths. 1869-'70, c. 5, s. 3.

The chairman of any committee or any person in his presence, shall have competent power and authority to administer oaths.

Sec. 2857. Penalty for false swearing. 1869-'70, c. 5, s. 4.

Any person who shall wilfully and corruptly swear falsely to any fact material to the investigation of such committee, shall be subject to all the pains and penalties of wilful and corrupt perjury, and, on conviction in the superior court of Wake county, shall be confined in the penitentiary of the state for the time prescribed by law for perjury.

Sec. 2858. How to appear before a committee, in person or by counsel. 1868-'9, c. 270, s. 10.

Every person desiring to appear either in person or by attorney to introduce testimony, or to offer argument for or against the passage of an act or resolution, before any committee of either house of the general assembly, shall first make application to said committee, stating in writing his object, the number and names of his witnesses, and the nature of their testimony. If the committee consider the information likely to be important, or the interest of the applicant to be great, they shall appoint a time and place for hearing the same, with such limitations as may be deemed necessary.

Sec. 2859. Committee denying request of applicant to be heard, he may appeal to the general assembly. 1868-'9, c. 270, s. 11.

If any committee shall refuse to grant the request of any citizen to be heard before them in a matter touching his interests, he may appeal to the house of which the committee is a part; and if he show good reason for his request the house shall order it to be granted.

Sec. 2860. Pay of witnesses giving testimony. R. C., c. 52, s. 33. 1800, c. 557, s. 2.

Any witness appearing and giving testimony, shall be entitled to receive from the person at whose instance he was summoned, ten cents for every mile traveling to

and from his residence, and ferriage, to be recovered before any justice of the peace upon the certificate of the commissioner.

Sec. 2861. Private act ought not to be passed, unless notice of an application for the enactment has been previously advertised. R. C., c. 52, s. 34. 1796, c. 466, s. 2. 1835, c. 15. Const., art. 2, s. 12.

Any person who may desire the passage of a private law, shall give notice of his intention to make application, by advertisement in some newspaper of the state which circulates in the county where the applicant resides, or in which such private law will operate; or by advertisement at the door of the court house and three other public places in such county, for at least thirty days before the application; and, when any private bill shall be introduced, a copy of such advertisement, with due proof of its having been so published, shall be produced, before the second reading thereof.

Gatlin v. Tarboro, 78—119.

Sec. 2862. Acts of the general assembly, when to take effect. R. C., c. 52, s. 35. 1799, c. 527. 1868-'9, c. 270, s. 21.

Acts of the general assembly shall be in force only from and after thirty days after the adjournment of the session in which they shall have passed, unless the commencement of the operation thereof be expressly otherwise directed.

Hamlet v. Taylor, 5 Jon., 37; Isler v. Colgrove, 75—334; Scarborough v. Robinson, 81—409.

Sec. 2863. Term or office of doorkeeper. 1868-'9, c. 270, s. 7.

The term of office of the doorkeeper of each house shall be two years, and until his successor is appointed.

Sec. 2864. State treasurer to furnish the general assembly estimates of the expenses of the state government; 1856-'7, c. 30. 1883, c. 60, s. 3.

It shall be the duty of the state treasurer to furnish the general assembly, at the commencement of each session, with estimates of the expenses of the state government and the rates of taxation necessary to pay the same for the two years next succeeding the close of the last fiscal year, and with a scheme in the form of a complete revenue bill to sustain such estimates.

Sec. 2865. Directors of asylums and of the penitentiary, and the state treasurer shall submit with their respective reports to the general assembly, bills for the support of their departments. 1881, c. 272, s. 1. 1883, c. 60, ss. 2, 4.

It shall be the duty of the state treasurer and of the boards of directors of the several asylums and of the penitentiary to submit to the general assembly, with their respective reports, bills providing for the support and management of their respective departments; these reports, with those of the other officers of the executive department, shall be submitted to the governor, to be transmitted by him with his message to the general assembly.

Sec. 2866. Reports and bills to be printed and submitted to the general assembly with the governor's message; distribution of copies. 1881, c. 272, s. 2. 1883, c. 60, s. 5.

Three hundred copies of each of said reports and bills, and also of the auditor's report, shall be printed and submitted to the general assembly with the message of the governor; and the governor, if in his opinion the reports made as required in this chapter, are in proper form and contain needful information, may cause to be printed by the public printer five hundred and twenty-five additional copies of each of said reports before the meeting of the general assembly and for its use.

Sec. 2867. Journals of general assembly deposited in office of secretary of state. R. C., c. 52, s. 36. 1819, c. 1020.

The principal clerks of the senate and house of representatives, as soon as may be practicable after the close of each session, shall deposit in the office of the secretary of state the journals of the general assembly; and the secretary of state shall make and certify copies of any part or entry of said journals, and may take for the copy of each entry made and certified the same fee as for the copy of a grant.

Sec. 2868. The principal clerks to index the journals; compensation. 1866-'7, c. 71. 1881, c. 292.

The principal clerks of the two houses of the general assembly shall provide full and complete indexes for the journals of their respective houses, and the said clerks shall each be allowed one hundred dollars as a compen-

sation therefor. The said principal clerks shall also be allowed two hundred dollars each for extra work and for services required to be performed by them after the adjournment of each session of the general assembly, including the transcribing of a copy of their respective journals, which shall be filed in the office of the secretary of state.

Sec. 2869. Secretary of state to have the laws printed without delay. 1868-'9, c. 270, s. 14.

The secretary of state, within thirty days after the termination of each session of the general assembly, shall cause to be published by the state printer all the laws and joint resolutions passed at such session; and each volume shall contain his certificate that it was printed under his direction, from enrolled copies on file in his office. In the printing he shall omit the certificate required to be indorsed upon the original bills; but he shall insert immediately after the title of each law the word "passed," adding the day, month and year.

Brown v. Turner, 70—93.

Sec. 2870. Principal clerks to hold offices until successors appointed. R. C., c. 52, s. 37. 1846, c. 63, s. 1.

The principal clerk of each house of the general assembly shall hold his office for the term of two years, or until another is appointed; shall be present at such time and place as may be fixed for the meeting of the general assembly, and on the first day thereof, and perform the duties of his office.

Sec. 2871. Two doorkeepers appointed by the keeper of the capitol to place the legislative halls in order for the general assembly. R. C., c. 52, s. 38. 1846, c. 63, s. 5.

The keeper of the capitol (and if there be none, then the secretary of state) shall employ two suitable persons to place the two halls of the general assembly in order and wait upon the members, until doorkeepers can be regularly appointed. And the persons so employed, shall be allowed, as a compensation, the sum of four dollars each for their daily attendance and services.

Sec. 2872. Mileage and *per diem* of the clerks and doorkeepers of the general assembly.

The principal and assistant clerks, the enrolling and engrossing clerks, and the doorkeepers and assistant

doorkeepers, shall each receive five dollars per day, during the session of the general assembly, and the same mileage as members of the general assembly.

Sec. 2873. Employees of the senate and house, how paid. Res., 1870-'1, p. 508.

The auditor is authorized to audit the account of any employee of the senate or of the house of representatives, upon the certificate of the president of the senate and of the speaker of the house of representatives, that such services have been rendered for which the account is presented, and that the amount as stated in said account is reasonable, just and proper.

Sec. 2874. Grave-stones provided for members of the general assembly interred in Raleigh. R. C., c. 52, s. 39. 1844, Res. 1883, c. 71.

The governor shall have placed at the grave of any member of the general assembly, who may be interred in the city of Raleigh (whose remains are not intended to be removed by his friends), suitable grave-stones, containing the name of the deceased, his age, and the county he represented; and the cost thereof shall be paid by the treasurer, on the warrant of the auditor.

CHAPTER TWENTY-FOUR.

HEALTH AND QUARANTINE.

HEALTH.

SECTION.	SECTION.
2875. North Carolina board of health	2880. Compensation of superintendent.
2876. Duties of board; secretary to make annual report.	2881. Compensation of state board; meetings.
2877. Term of office; vacancy, how filled.	2882. County superintendent to make monthly return of vital statistics; penalty for failure.
2878. Officers, their compensation.	2883. Inland quarantine.
2879. County boards of health; county superintendent; duties of.	2884. Abatement of nuisances; proviso.

SECTION.

2885. Vaccination; small-pox.
 2886. Diseases dangerous to public health; duties of state board; expenses.
 2887. Special meetings; annual meeting.
 2888. Analyses for hygienic purposes to be made by state chemist.
 2889. Two hundred dollars appropriated; printing to be done by public printer, and stationery furnished.
 2890. Persons listing property for

SECTION.

- taxation to make a statement of vital statistics; diseases.
 2891. Board of health to furnish proper blanks to boards of county commissioners to be distributed to township assessors.
 2892. Township assessors to return blanks filled to clerk of the board of commissioners; clerk to forward to secretary of state, secretary of state to secretary of board of health.

QUARANTINE.

SECTION.

2893. Quarantine, when and by whom directed; masters and pilots to report the health of vessels; duty of those ordered to perform quarantine; penalties on masters and pilots.
 2894. Vessel coming from infected place to anchor at quarantine ground; coming into port without permission, master or pilot indictable.
 2895. Such vessel to be removed.
 2896. Port physicians appointed.
 2897. Penalty on passengers or crew breaking quarantine.
 2898. On person going on board without leave and on masters allowing it; such person to remain on board.
 2899. Persons breaking quarantine arrested and sent back.
 2900. Penalty for landing articles.
 2901. Affidavit of health required of master; penalty for false statement.
 2902. Provisions furnished vessels, &c.
 2903. Penalties, how recovered and applied.

SECTION.

2904. Penalty on pilots bringing in vessels without certificate, &c.
 2905. Commissioners of navigation may appoint harbor-master and health-officer, and enact by-laws, &c.
 2906. Of seaport towns, where no commissioners of navigation, to have like authority.
 2907. Nuisance in seaports, what deemed so.
 2908. Lots in, kept drained at certain seasons; penalty for neglect; commissioners may abate nuisance at owner's expense.
 2909. Officers of police to provide against contagious diseases.
 2910. Hospitals established by county commissioners and commissioners of towns.
 2911. Proviso to the foregoing sections.
 2912. Quarantine station established at mouth of Cape Fear river.
 2913. Governor to designate medical quarantine officer; quarantine officer to advertise regulations; to make monthly

SECTION.	SECTION.
report of receipts and disbursements.	2918. By master of vessel.
2914. To be furnished with boat; to employ crew, &c.	2919. Further penalties; one-half to informer.
2915. Hospital to be established.	2920. Quarantine officer may issue warrant for arrest.
2916. Every vessel to pay a fee of five dollars; fee of patient; vessel liable for fee; what vessels liable to inspection.	2921. Compensation of officer; of crew.
2917. Pilots to bring vessels to visiting station; penalty for violation of law by pilots.	2922. Sum of \$4,000 appropriated for buildings and boat; how to be expended.

HEALTH.

Sec. 2875. North Carolina board of health. 1879, c. 117 s. 1.

The Medical society of North Carolina shall choose from its active members by ballot, six members, and the governor shall appoint three other persons (one of whom shall be a civil engineer), and these shall constitute the North Carolina board of health.

Sec. 2876. Duties of board; secretary to make annual report. 1879, c. 117, s. 2.

The North Carolina board of health shall take cognizance of the health interest of the citizens of the state; shall make sanitary investigations and inquiries in respect to the people; the causes of diseases dangerous to the public health, especially epidemics; the sources of mortality; the effects of locations, employments and conditions upon public health. They shall gather such information upon all these matters for distribution among the people, with the especial purpose of informing them about preventible diseases. They shall be considered the medical advisers of the State, and are herein specially provided for, and shall advise the government in regard to the location, sanitary construction and management of all public institutions, and shall direct the attention of the state to such sanitary matters as in their judgment affect the industry, prosperity, health and lives of the citizens of the state. The secretary of the board shall make annually to the general assembly, through the governor, a report of their work for the year.

Sec. 2877. Term of office; vacancy, how filled. 1879, c. 117, s. 3.

The members of the board of health as elected by the

state medical society shall be chosen to serve, two for six years, two for four years, two for two years. Those appointed by the governor shall serve two years. In case of death or resignation the board shall elect new members to fill the unexpired terms.

Sec. 2878. Officers, their compensation. 1879, c. 117, s. 4.

The state board shall have a president and a secretary, who shall be treasurer, to be elected from the members composing the board. The president shall serve two years, and the secretary and treasurer six years. The secretary and treasurer shall receive a year for his services, but the other members of the board shall receive no pay, except that while on actual duty at the meetings of the board, or on duty during the time special investigations are being pursued, each member shall receive two dollars a day and necessary traveling expenses. These sums shall be paid by the treasurer on duly authenticated requisitions signed and approved by the president of the board.

Sec. 2879. County boards of health ; county superintendent, duties of. 1879, c. 117, s. 5.

There shall be an auxiliary board of health in each county. These boards shall be composed of the physicians eligible to membership in the state medical society, the mayor of the county town, the chairman of the board of county commissioners, and the city surveyor where there is such an officer, otherwise the county surveyor. From this number one physician shall be chosen by ballot to serve two years, with the title of county superintendent of health. His duties shall be to gather vital statistics upon a plan designated by the state board of health. He shall make the medico-legal *post mortem* examinations for coroner's inquests, and attend prisoners in jails, poor houses and work houses. Their reports shall be made regularly as advised by the state board through their secretary, and they shall receive and carry out as far as practicable such work as may be directed by the state board of health.

Sec. 2880. Compensation of superintendent. 1879, c. 127, s. 6.

The salary of the county superintendent of health is to be paid out of the county treasury, upon requisition and proper voucher, as follows: The salary of the superintendent of health shall not exceed the amount paid by the

city or county in the year one thousand eight hundred and seventy-eight, for services rendered by the city or county for medical services to sick in jail, work house and poor house, and medical examinations for coroner's inquests.

Sec. 2881. Compensation of state board; meetings. 1879, c. 117, s. 7.

The biennial meetings for the election of officers, shall be for the county boards on the first day of January, and of state board of health on the first day of the annual meeting of the medical society of North Carolina.

Sec. 2882. County superintendent to make monthly return of vital statistics; penalty for failure. 1879, c. 117, s. 8.

Monthly returns of vital statistics upon a plan to be prescribed by the state board of health, shall be made by the county superintendents, and a failure to report by the tenth of the month, for the preceding month, shall subject the delinquent superintendent to a fine of one dollar for each day of delinquency.

Sec. 2883. Inland quarantine. 1879, c. 117, s. 9.

Inland quarantine shall be under the control of the county superintendent of health, who, acting by the advice of the local board, shall see that diseases dangerous to the public health, viz: small-pox, scarlet fever, yellow fever and cholera, shall be properly quarantined or isolated, at the expense of the city, county or town in which it occurs. Any violation of the rules made on this subject by the superintendent of health shall subject the offender to a fine of twenty-five hundred dollars and imprisonment for not longer than twenty days in the county jail. In case the offender be stricken with the disease for which he is quarantinable, he will be subject to the penalty on recovery, unless, in the opinion of the superintendent, it should be remitted. Quarantine of ports shall not be interfered with, but the officers of the local and state boards shall render all aid in their power to quarantine officers in discharge of their duties upon request of the latter.

Sec. 2884. Abatement of nuisances; proviso. 1879, c. 117, s. 10.

Wherever and whenever a nuisance upon premises shall exist, which in the opinion of the county superia-

tendent of health is dangerous to the public health, it shall be his duty to give a written notification to the parties occupying the premises, (or the owner of the premises if not occupied), of its existence, its character, and the means of abating it. Upon this notification the parties shall proceed to abate the nuisance, but failing to do this shall pay a fine of one dollar a day dating from twenty-four hours after the notification has been served: *Provided*, if the party notified shall make oath or affirmation before a magistrate of his or her inability to carry out the directions of the superintendent, it shall be done at the expense of the county, town or city. In the latter case the limit of the expense chargeable upon the county, town or city shall not be more than one hundred dollars in any case.

Sec. 2885. Vaccination; small-pox. 1879, c. 117, s. 11.

The secretary of the state board of health shall keep a supply of fresh animal vaccine virus at his command, and he shall issue quantities, in value not to exceed one dollar for one requisition, to county superintendents in case of a threatened out-break of small pox. The county superintendents shall vaccinate and re-vaccinate all applying for such service, free of charge, the virus for such purposes to be furnished by the secretary of the state board of health at market rates. The county superintendent shall vaccinate every person admitted into a public institution, (jail, work house, poor house, public school), as soon as practicable, unless he is satisfied upon examination that the person is already successfully vaccinated. On the appearance of a case of small-pox in a neighborhood, all due diligence shall be used by the superintendent that warning shall be given, and all persons not able to pay, shall be vaccinated free of charge by him. The vaccine for this purpose shall be paid for by the corporation or county in which the superintendent serves.

Sec. 2886. Diseases dangerous to public health; duties of state board; expenses. 1879, c. 117, s. 12.

Bulletins of the outbreak of diseases dangerous to the public health shall be issued by the state board whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the state. It shall also be the duty of the board to inquire into any out-break of disease, by personal visits or by any method the board shall direct. The compensation

of members on such duty shall be five dollars a day, and the necessary travelling expenses.

Sec. 2887. Special meetings; annual meeting. 1879, c. 117, s. 13.

Special meetings of the state board of health may be called by the president through the secretary. The regular annual meetings shall be held at the same time and place of the state medical society, at which time the secretary shall submit his annual report.

Sec. 2888. Analyses for hygienic purposes to be made by state chemist. 1879, c. 117, s. 14.

Analyses for purposes connected with the hygienic duties of the superintendent of health shall be made by the state chemist, upon requisition signed and approved by the secretary of the state board of health. Such analyses shall include soil, drinking water, articles of food, air, and so forth, to be packed for transmission by direction of the chemist of the agricultural station.

Sec. 2889. Two hundred dollars appropriated; printing to be done by the public printer, and stationery furnished. 1879, c. 117, s. 15.

For carrying out this chapter, two hundred dollars is annually appropriated, to be paid on requisition signed by the treasurer and president of the state board of health, and the printing and stationery necessary annually for the board shall be furnished on requisition upon the state printer. A yearly statement shall be made to the general assembly of all moneys received and expended in pursuance of this chapter.

Sec. 2890. Persons listing property for taxation to make a statement of vital statistics; diseases. 1881, c. 73, s. 1.

It shall be the duty of each person, annually, at the time when he shall list property for taxation, to make out and sign and deliver to the township assessor, on a blank prepared and furnished as hereafter provided, a statement as follows, to wit:

- (1) Whether married, unmarried, widow or widower;
- (2) Number of births in the family within the year immediately preceding;
- (3) Number of deaths in the family within the same time and the names of the diseases causing the deaths, as far as known;

(4) Whether any cases of the following diseases have occurred in the family for the year immediately preceding: Small-pox, scarlet fever, diphtheria, yellow fever, cholera.

Sec. 2891. Board of health to furnish proper blanks to boards of county commissioners to be distributed to township assessors. 1881, c. 73, s. 2.

It shall be the duty of the state board of health annually to prepare and furnish to the board of commissioners of each county, at least thirty days before the time appointed by law for the listing of taxes, a sufficient number of blank forms or lists, on which each tax-payer or lister shall make out the statement required by the preceding section, which said blanks shall be distributed by the boards aforesaid to the township assessors at least five days before the time appointed by law for the listing of taxes. The form of said blanks shall be prescribed by the secretary of the state board of health, and may be accompanied by a circular from said officer giving instructions in regard to filling out the same and the information desired, and for every one hundred blanks filled and returned the tax lister shall receive ten cents.

Sec. 2892. Township assessors to return blanks when filled to clerk of the board of commissioners; clerk to forward to secretary of state, secretary of state to secretary of board of health. 1881, c. 73, s. 3.

The blanks so made out and delivered to the assessors, shall be forwarded by them to the clerk of the board of commissioners in each county at the same time required for the return of the abstract of the tax list to said clerk; and it shall be the duty of said clerk to forward at once all of said blanks so returned to him to the secretary of state, who, after noting the same for record in his office, shall forward them to the secretary of the state board of health.

QUARANTINE.

Sec. 2893. Quarantine, when and by whom directed; masters and pilots to report the health of vessels; duty of those ordered to perform quarantine; penalties on masters and pilots. R. C., c. 94, s. 1. 1783, c. 194, s. 12. 1793, c. 379, s. 1. 1802, c. 624.

The commissioners of navigation in the respective ports and inlets of the state, and where there are no such com-

missioners, any three justices of the peace convenient to said ports or inlets, or the commissioners of any sea-port town, shall meet together and appoint such place or places, as they may think proper, for vessels to perform quarantine; and when a vessel shall arrive at any of the said ports or inlets, having an infectious distemper on board, or which came from any place that was at the time of her sailing, or shortly before, infected with any malignant disorder, the master and pilot of the vessel shall anchor her at the place so appointed, and give immediate information thereof to the commissioners of navigation, or to the commissioners of the sea port town; or, where there are no commissioners, to the nearest justices of the peace, who, with two others to be summoned by him, or any three of the commissioners aforesaid, or any one commissioner and two justices, or any one justice and two commissioners, shall thereupon cause such vessel and her crew to be examined by at least one experienced physician, when to be had; upon whose report in writing, (which said physician is required to make,) and on other information they may receive, any three of such commissioners, and where there are no commissioners, any three neighboring justices, or any one commissioner and two justices, or any one justice and two commissioners, or the commissioners of the town to which such vessel is bound, may order and command the master of the vessel, crew and passengers to perform quarantine, as by them shall be deemed most proper and requisite, to check or prevent any infectious distemper from spreading in the state; and every person on board such vessel directed to perform quarantine, shall, from time to time, during such quarantine, obey all orders given by the authority of the said commissioners or justices, respecting the victualling, purifying and cleansing of such vessel, and all persons and articles on board, and the intercourse of said persons with the inhabitants of the state, the receiving any persons on board, or the putting them on shore; and if the pilot or master neglect to give such information as above required, the pilot, for such neglect, shall forfeit and pay one hundred dollars, and the master, for the like neglect, shall forfeit and pay two hundred dollars. And in case the master of any vessel, so ordered to perform quarantine, shall refuse to comply with, or fail to fulfil the orders, for performing quarantine with his vessel as aforesaid, he shall forfeit and pay two hundred dollars for each day he shall fail to perform the quarantine; for which forfeiture the property

of the captain, with the vessel and cargo, shall be liable, if it shall appear that the breach of the order was by the consent of the owner or consignee; but if the owner or consignee did not consent, then the master of such vessel only shall be liable.

Sec. 2894. Vessels coming from infected place to anchor at quarantine ground; coming into port without permission, master or pilot indictable. R. C., c. 94, s. 2. 1817, c. 946, s. 1.

If any vessel shall be brought into the state from a place which at the time of her departure was infected with the yellow fever, small-pox, or other infectious disorder; or if any vessel, arriving in the state, shall have the small-pox or yellow fever or other infectious disorder on board, or shall have had such disorder on board, during her passage to the state, such vessel shall be anchored at the place appointed for quarantine, and there remain, until permitted to remove by the commissioners of navigation, or by the commissioners of the town to which the vessel is bound, or by the justices aforesaid; and if any such vessel shall come to such town, or into its harbor, without permission obtained as aforesaid, the pilot or master, conducting the vessel, or ordering or permitting her to be conducted to such town or harbor, shall be guilty of a misdemeanor, and fined not less than one thousand dollars, and imprisoned not exceeding one year.

Sec. 2895. Such vessel to be removed. R. C., c. 94, s. 3. 1817, c. 946, s. 2.

The commissioners of navigation, or the commissioners of the town, in the harbor of which any vessel shall have arrived in violation of this chapter, or the justices as aforesaid, may use such force as shall be necessary to remove said vessel to the place of quarantine; their reasonable charge for which service shall be paid by the master or owner of the vessel, and may be recovered of either of them before any court having jurisdiction.

Sec. 2896. Port physicians appointed. R. C., c. 94, s. 4. 1802, c. 624, s. 2.

The commissioners of navigation in the several ports of the state, and, where there are no such commissioners, the commissioners of the several sea port towns, may appoint port physicians, and regulate and prescribe the fees to which they shall be respectively entitled, according to

the different quarantine stations, which they shall be bound to attend for the purpose of inspecting vessels, as required by this chapter, and giving certificates of their situation and condition, in regard to the health of their respective crews and passengers.

Sec. 2897. Penalty on passengers or crews breaking quarantine. R. C., c. 94, s. 5. 1793, c. 379, s. 2.

When a vessel shall be directed to perform quarantine, and any seaman or passenger shall, contrary to the order and direction of the commissioners or justices as aforesaid, leave the vessel and land on any other place than they shall allow of, every person offending shall forfeit and pay two hundred dollars for each offence; and when he shall have left the vessel with the master's consent, the master shall pay a like penalty of two hundred dollars for every such offence of any of his passengers or seamen.

Sec. 2898. On person going on board without leave and on masters allowing it; such person to remain on board. R. C., c. 94, s. 6. 1793, c. 379, s. 3.

When any vessel shall be directed to perform quarantine, and any person knowing of such order, by the information of the master or otherwise, shall go on board of such vessel without permission of the commissioners or justices aforesaid, every such person shall forfeit and pay one hundred dollars. And if any person shall be permitted by the master to come on board, without informing him of the order and directions of the commissioners or justices of the peace, the master shall forfeit and pay two hundred dollars for every person so offending, and four hundred dollars for suffering any person so on board to depart his vessel without leave of the commissioners or justices aforesaid; and the said commissioners or justices are empowered to order every person who shall go on board any such vessel to remain there for such length of time as they may think proper; and if he disobey such order, he shall pay one hundred dollars.

Sec. 2899. Persons breaking quarantine arrested and sent back. R. C., c. 94, s. 7. 1793, c. 379, s. 4.

The commissioners or justices aforesaid, or a majority of them, respectively, may issue their warrant to any sheriff or other officer, commanding him to take the body of any person that may have left any vessel ordered to ride quarantine, and carry him on board of said vessel:

and the said officer may summon such persons to assist him in the execution of the warrant as he may see fit.

Sec. 2900. Penalty for landing articles. R. C., c. 94, s. 8. 1793, c. 379, s. 5.

If any master of a vessel ordered to ride quarantine shall convey, or cause, or permit to be conveyed, any article of goods, wares and merchandise from his vessel on any other lands, or into any other boat or vessel than the said commissioners or justices shall authorize, he shall forfeit and pay two hundred dollars for every such offence. And any other person so conveying, or causing to be conveyed, any article as above mentioned, shall be liable to the like penalty.

Sec. 2901. Affidavit of health required of master; penalty for false statement. R. C., c. 94, s. 9. 1793, c. 379, s. 6.

The said commissioners or justices may, whenever they think proper, require the master of a vessel, on his arrival in the state, to declare on oath the state of the health of himself, crew and passengers, and the place whence he came. And if any master shall give a false declaration, or any physician shall wilfully give a false certificate of the health of the persons on board any such vessel, he shall forfeit and pay two thousand dollars.

Sec. 2902. Provisions furnished vessels, &c. R. C., c. 94, s. 10. 1793, c. 379, s. 7.

The commissioners or justices are empowered and directed to furnish any vessel, ordered to ride quarantine, with a sufficient quantity of good wholesome provisions, for the expense of which the master, vessel and cargo shall be liable.

Sec. 2903. Penalties, how recovered and applied. R. C., c. 94, s. 11. 1793, c. 379, s. 8.

All penalties and forfeitures imposed by this chapter, may be recovered and applied, one half to the use of the informer, the other half by the commissioners of navigation, for the use and benefit of the navigation of the port, within whose jurisdiction the penalty or forfeiture may have been incurred.

Sec. 2904. Penalty on pilots bringing in vessels without certificate, &c. R. C., c. 94, s. 12. 1797, c. 483, s. 2.

If any pilot shall bring any vessel beyond the place

fixed and limited by the commissioners of navigation, without a certificate of the health-officer declaring that there is no danger to be apprehended from any infectious disease on board said vessel, such pilot shall forfeit his branch or commission, and thence be incapable to act as a pilot in any port of the state.

Sec. 2905. Commissioners of navigation may appoint harbor-master and health-officer, and enact by-laws. R. C., c. 94, s. 13.

The commissioners of navigation of the several seaport towns in the state shall have power to appoint a harbor-master and health-officer; to prescribe their duties and authority; to make rules and regulations for their government; allow them a reasonable compensation for their services, and determine how such compensation is to be paid. And they shall have power to pass such by-laws (not inconsistent with the laws of the land), for the better regulation of the quarantine to be performed by vessels, arriving from ports infected, or suspected to be infected, with any infectious disease, and for preventing all intercourse between such vessels and persons on shore, as to them may seem meet and proper, and to enforce obedience to such by-laws, by imposing such penalties as they may think proper.

Sec. 2906. Of seaport towns, where no commissioners of navigation, to have like authority. R. C., c. 94, s. 14.

The commissioners of the several seaport towns, and towns having a port of entry, where there are no commissioners of navigation, shall have the same power and authority and be subject to the same duties, as are prescribed for the commissioners of navigation, in relation to the quarantine of vessels, in the ports of their respective towns; and all persons offending against the regulations of the commissioners of such towns shall be subject to the same fines, penalties and forfeitures, as though the said regulations had been made by the commissioners of navigation.

Sec. 2907. Nuisances in seaports, what deemed so. R. C., c. 94, s. 15. 1815, c. 893, s. 1.

All ponds of stagnant water, all cellars and foundations of houses, whose bottoms contain stagnant and putrid water; all dead and putrified animals lying about the docks, streets, lanes, alleys, vacant lots, or yards; all privies that have no wells sunk under them; all slaughter-

houses, all docks whose bottoms are alternately wet and dry by the ebbing and flowing of the tide, all accumulations of vegetable and animal substances undergoing putrefactive fermentation, in any of the seaport towns of the state, are declared common nuisances, productive of offensive vapors and noxious exhalations, the causes of disease, and ought to be restrained, regulated and removed.

Sec. 2908. Lots in, kept drained at certain seasons; penalty for neglect; commissioners may abate nuisance at owner's expense. R. C., c. 94, s. 16. 1815, c. 893, s. 2.

Every person, possessed of a lot in any seaport town, which from its low or sunken situation, is liable to retain tide, or rain water, or on which cellars or foundations for buildings may be dug (whether a tenement be erected over the same or not), shall during the months of June, July, August, September and October, preserve and keep the said lot, cellars, and foundations dry and free from stagnant or putrid waters and other filth; and any person offending herein shall forfeit and pay five dollars for the use of the town, for every week he shall suffer such stagnant or putrid water, or other filth, to remain therein. And if the said owner shall, notwithstanding the above provisions, neglect to remove such stagnant or putrid water or other filth, the commissioners of the town may employ any person, upon such terms as to them may seem reasonable and just, to remove such filth or stagnant or putrid waters; and the expense shall be considered as a further fine for not complying with this section, and shall be collected accordingly, and shall also be a lien upon the lot upon which the same has been expended.

Sec. 2909. Officers of police to provide against contagious diseases. R. C., c. 94, s. 17. 1824, c. 1232, s. 1.

When an infectious disease shall be raging in any part of the state or in any part of the United States, the officers of police of any incorporated town, who may have well founded apprehensions that their town is in danger of being visited by such disease, may take such precautionary measures and provide such penalties for the breach of them as may seem necessary and proper, the expense of which they are authorized to defray out of any money, at the time, in their town treasury; or, if that should not be in a situation to sustain the expense,

to borrow such sum as may be necessary to defray the same, and afterwards to raise the amount by tax on the inhabitants of such town, over and above the ordinary taxes levied for the current expenses of the town.

Sec. 2910. Hospitals established by boards of county commissioners and commissioners of towns. R. C., c. 94, s. 18.

The board of county commissioners may establish public hospitals for the county, and the commissioners of every incorporated town may do the same for the town; and the said board of county commissioners and the commissioners of such town may make all such rules, regulations and by-laws as they may deem needful for preventing the spread of contagious and infectious diseases and taking care of the afflicted, the same not being inconsistent with law.

Sec. 2911. Proviso to the foregoing sections. R. C., c. 94, s. 19. 1824, c. 1232, s. 2.

Nothing in this chapter shall be construed to lessen or impair the power and authority of the commissioners of the seaport towns, or the commissioners of navigation or other officers, under the quarantine laws of the state, to prevent the introduction of diseases by vessels arriving at or near said seaport towns.

Sec. 2912. Quarantine station established at mouth of Cape Fear river. 1868, c. 33, s. 1. 1879, c. 123.

For the preservation of the public health there shall be established opposite Deep Water Point, near the mouth of the Cape Fear river, a quarantine station, where all vessels subject to quarantine shall be brought to anchor, and await the inspection of the medical officer, and be subject to such rules and regulations as he may prescribe; and the rules and regulations so prescribed shall be made from time to time as circumstances may require by the quarantine medical officer and two physicians of skill and experience, residing in the city of Wilmington, who shall be designated by the president of the state board of health, and they shall meet annually on the first Monday in May, or as soon thereafter as practicable, and organize for the purposes before mentioned by the election of a president and secretary; and it shall be the duty of the president to call meetings whenever any special emergency shall arise requiring new quarantine rules and regulations, and of the secretary to keep a record of all such proceedings; and

they shall be entitled to compensation for their services at the rate of five dollars per day and their actual traveling expenses to and from such meetings: *Provided*, said physicians shall not receive per diem for more than six days in the year, unless in case of prevailing epidemic.

Sec. 2913. Governor to designate medical quarantine officer; quarantine officer to advertise regulations; to make monthly report of receipts and disbursements. 1868, c. 33, s. 2.

It shall be the duty of the governor to designate some physician of experience, who shall act as medical quarantine officer for the above station, and who shall prescribe such regulations as may be necessary for the protection of the inhabitants from infectious diseases, and all persons shall be bound by such regulations, under penalties to be hereafter designated. The quarantine officer shall duly advertise all quarantine regulations and cause the pilots to be especially notified of them. He shall make a monthly report of all receipts and disbursements, and shall pay over all moneys to the treasurer of the state, and shall be removable at the pleasure of the governor.

Sec. 2914. To be furnished with boat; to employ crew, &c. 1868, c. 33, s. 3.

There shall be provided for the use of the quarantine officer, a suitable boat furnished with all necessary materials, and he shall employ a crew of four men, at such seasons as quarantine regulations are in force, or when the public health may require it. He shall cause the boat to be kept in repair and always ready for service, and may employ some competent person for the service; who shall be paid by the state treasurer, on the certificate of the medical officer, that the services were necessary and the charges just and reasonable.

Sec. 2915. Hospital to be established. 1868, c. 33, s. 4.

There shall be established at the nearest convenient station upon the shore, a hospital sufficient for the accommodation of such sick persons as the quarantine medical officer may direct to be removed from vessels for better nursing and attendance, and the medical officer shall employ such attendants as may be necessary to take care of the sick, and may purchase such articles of food as they may require.

Sec. 2916. Every vessel to pay a fee of five dollars; fee of patient; vessel liable for fee; what vessels subject to inspection. 1868, c. 33, s. 5.

Every vessel subject to visit and inspection shall pay a fee of five dollars, which shall be collected and accounted for by the medical officer, and every sick person taken to the hospital shall pay a fee not exceeding three dollars per day, until discharged by the medical officer, for the payment of which the vessel shall be responsible, and only such vessel shall be subject to visit and inspection as may be from ports designated, from time to time, by the medical officer, except that all vessels having sickness on board shall be brought to the visiting station for examination.

Sec. 2917. Pilots to bring vessels to visiting station; penalty for violation of law by pilots. 1868, c. 33, s. 6.

It shall be the duty of all pilots to bring vessels to the visiting station, as they may be required from time to time by the quarantine officer, and they shall not take any vessel subject to quarantine or visitation, past the station, until released by the quarantine officer, and any pilot who shall wilfully violate any quarantine regulation shall forfeit his branch or commission, and thence be incapable to act as a pilot in any port in the state.

Sec. 2918. By master of vessel. 1868, c. 33, s. 7.

Any master of a vessel who shall refuse to obey the quarantine regulations, shall forfeit and pay a fine of two hundred dollars for each day he shall refuse to obey the same, for which forfeiture the property of the captain, together with the vessel and cargo, shall be held responsible.

Sec. 2919. Further penalties; one-half to informer. 1868, c. 33, s. 8.

Any person who shall violate the quarantine regulations, as prescribed from time to time, by the medical officers, shall forfeit and pay the sum of two hundred dollars for each offence; and all penalties and forfeitures imposed by this chapter, may be recovered before any court having jurisdiction, one-half to the informer, the other half to the payment of the expenses of the quarantine establishment.

Sec. 2920. Quarantine officer may issue warrant for arrest. 1868, c. 33, s. 9.

The quarantine medical officer may issue a warrant to

any sheriff or other officer, commanding him to arrest the body of any person violating the quarantine, and have him without delay before some competent jurisdiction for trial.

Sec. 2921. Compensation of officer; of crew. 1868, c. 33, s. 10.

The compensation of the quarantine medical officer shall be six hundred dollars per year, and the compensation of the boat's crew shall be twenty dollars per month each, while regularly employed: *Provided*, one of the crew may be designated by the quarantine officer, to take care of the buildings, boats and materials at an extra compensation of ten dollars per month while so employed.

Sec. 2922. Sum of four thousand dollars appropriated for buildings and boat; how to be expended. 1868-'9, c. 33, s. 11.

For the purchase of a site and for the erection of suitable hospital buildings and for a boat and necessary materials and expenses for quarantine service, the sum of four thousand dollars is appropriated from any moneys in the state treasury not otherwise appropriated, to be expended under the direction of the quarantine officer, and a commissioner appointed by the governor: *Provided*, the said commissioner shall receive no compensation for his services.

CHAPTER TWENTY-FIVE.

IMPEACHMENT.

SECTION.

2923. Senate is the court for trial.
 2924. Majority of members a quorum.
 2925. Impeachment to be delivered by house of representatives to presiding officer of the senate; proceedings thereon.
 2926. Powers of the court.

SECTION.

2927. Powers of presiding officer; when chief justice to preside.
 2928. Notice to the accused to appear and answer.
 2929. Accused to have counsel.
 2930. Time and place to be fixed after issue joined for trial.
 2931. Oath to be administered by

SECTION.

- presiding officer to members of the court.
- 2932. Vote necessary to convict.
- 2933. What judgment upon conviction.
- 2934. Officer impeached suspended until acquitted.

SECTION.

- 2935. What to be done when president of the Senate is impeached.
- 2936. Person convicted liable to indictment and punishment.
- 2937. For what offences officers may be impeached.

Sec. 2923. Senate is the court for trial. 1868-'9, c. 168, s. 1.

The court for the trial of impeachments shall be the senate.

Sec. 2924. Majority of the members a quorum. 1868-'9, c. 168, s. 1.

A majority of the members shall be necessary to constitute a quorum.

Sec. 2925. Impeachment to be delivered by house of representatives to presiding officer of the senate; proceedings thereon. 1868-'9, c. 168, ss. 2, 3.

All impeachments must be delivered by the house of representatives to the presiding officer of the senate, who shall thereupon cause proclamation to be made in the following words:

“All persons are commanded to keep silence, on pain of imprisonment, while the house of representatives is exhibiting to the senate of North Carolina articles of impeachment against”

After which the articles shall be exhibited, and then the presiding officer of the senate shall inform the house of representatives that the senate will take proper order on the subject of impeachment, of which due notice shall be given to the house of representatives.

Sec. 2926. Powers of the court. 1868-'9, c. 168, s. 4.

The senate, as a court, shall have power to compel the attendance of parties and witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments, to preserve order, to punish, in a summary way, contempts of its authority, orders, mandates, writs, precepts or judgments, to adjourn from time to time, and to make all lawful rules and regulations which it may deem essential or conducive to the ends of justice.

Sec. 2927. Powers of presiding officer; when chief justice to preside. 1868-'9, c. 168, ss. 5, 6.

The presiding officer of the senate shall have power:

(1) To direct all necessary preparations in the senate chamber;

(2) To make and issue by himself or by the clerk of the senate all orders, mandates, writs and precepts authorized by law or by the senate;

(3) To direct all the forms of procedure during the trial not otherwise specially provided for;

(4) To decide in the first instance, without a division, all questions of evidence and incidental questions, but the same shall, on demand of one-fifth of the members present, be decided by yeas and nays.

(5) When the governor of the state, or lieutenant-governor, upon whom the powers and duties of the office of governor have devolved, is impeached, the chief justice of the supreme court shall preside; and in a case requiring the chief justice to preside, notice shall be given him, by order of the senate, of the time and place fixed for the consideration of the articles of impeachment, with a request to attend; and the chief justice shall preside over the senate during the consideration of said articles and upon the trial of the person impeached. But the chief justice shall not vote on any question during the trial, and shall pronounce decision only as the organ of the senate with its assent.

Sec. 2928. Notice to the accused to appear and answer. 1868-'9, c. 168, s. 7.

The senate, upon the presentation of articles of impeachment and its organization as a court, shall forthwith cause the person impeached to appear and answer the articles exhibited either in person or by attorney; he shall be entitled to a copy of the impeachment and have a reasonable time to answer the same.

Sec. 2929. Accused to have counsel. 1868-'9, c. 168, s. 8.

The person accused is entitled on the trial of the impeachment to the aid of counsel.

Sec. 2930. Time and place to be fixed after issue joined for trial. 1868-'9, c. 168, s. 9.

When issue is joined in the trial of an impeachment, the court shall fix a time and place for the trial thereof.

Sec. 2931. Oath to be administered by presiding officer to members of the court. 1868-'9, c. 168, s. 10.

At the time and place appointed, and before the commencement of the trial, the presiding officer of the senate

shall administer to each member of the court then present, and to other members as they appear, an oath or affirmation, truly and impartially to try and determine the charge in question, under the constitution and laws, according to the evidence. No member of the court shall sit or give his vote upon the trial until he shall have taken such oath or affirmation.

Sec. 2932. Vote necessary to convict. 1868-'9, c. 168, s. 11.

No person shall be convicted, on an impeachment, without the concurrence of two-thirds of the senators present.

Sec. 2933. What judgment upon conviction. 1868-'9, c. 168, s. 12.

Upon a conviction of the person impeached, judgment may be given that he be removed from office; or that he be disqualified to hold any office of honor, trust or profit, under this state, or both.

Sec. 2934. Officer impeached suspended until acquitted. 1868-'9, c. 168, s. 13.

Every officer impeached shall be suspended from the exercise of his office until his acquittal.

Sec. 2935. What to be done when president of the senate is impeached. 1868-'9, c. 168, s. 14.

If the president of the senate be impeached, notice thereof shall immediately be given to the senate by the house of representatives, in order that another president may be chosen.

Sec. 2936. Person convicted liable to indictment and punishment. 1868-'9, c. 168, s. 15.

Every person convicted on impeachment shall, nevertheless, be liable to indictment and punishment according to law.

Sec. 2937. For what offences officers may be impeached. 1868-'9, c. 168, s. 16.

Every officer in this state shall be liable to impeachment for:

- (1) Corruption or other misconduct in his official capacity;
- (2) Habitual drunkenness;
- (3) Intoxication while engaged in the exercise of his office;

- (4) Drunkenness in any public place;
- (5) Mental and physical incompetence to discharge the duties of his office;
- (6) Any criminal matter, the conviction whereof would tend to bring his office into public contempt.

People v. Heaton. 77—18; Senate Journal, Session of 1870-'71.

CHAPTER TWENTY-SIX.

INFAMOUS PERSONS.

SECTION.

2938. Persons convicted of infamous crimes, how restored to rights of citizenship.

2939. Depositions not to be read.

2940. Petition filed in county of

SECTION.

conviction; no person restored more than once.

2941. Petition not to be filed within four years after conviction.

Sec. 2938. Persons convicted of infamous crimes, how restored to rights of citizenship. R. C., c. 58, s. 1. 1840, c. 36.

Any person who may have been convicted of an infamous crime, whereby the rights of citizenship are forfeited, may be restored to the same, under the following rules and regulations:

(1) He shall file his petition in the superior court, setting forth his conviction and the punishment inflicted, and shall state therein his place or places of residence, and his occupation since his conviction, and shall also state the meritorious causes, which, in his opinion, entitle him to be restored to his forfeited rights:

(2) Upon filing the petition the clerk of the court shall advertise the substance thereof, at the court house door of his county, for the space of three months next before the court when the petitioner proposes that the same shall be heard;

(3) At the hearing, the court, on being satisfied of the truth of the facts set forth in the petition, and on its being proved by five respectable witnesses who have been acquainted with the petitioner's character for three years next preceding the filing of his petition, that his character for truth and honesty during that time has been good,

shall decree his restoration to the lost rights of citizenship, and the petitioner shall accordingly be restored thereto.

Sec. 2939. Depositions not to be read. R. C., c. 58, s. 2. 1840, c. 36.

At the hearing, no deposition relating to the character of the petitioner shall be read; and the court shall examine all proper testimony which may be offered either by the petitioner, or any, who may oppose the grant of his prayer.

Sec. 2940. Petition filed in county of conviction; no person restored more than once. R. C., c. 58, s. 3. 1840, c. 36.

The petition shall be filed in the superior court of the county, at term, where the indictment was found, upon which the conviction took place; and in case the petitioner may have been convicted of an infamous crime more than once, and indictments for the same may have been found in different counties, the petition shall be filed in the superior court of that county where the last indictment was found; and no person shall be entitled to be restored to the lost rights of citizenship more than once.

Sec. 2941. Petition not to be filed within four years after conviction. R. C., c. 58, s. 4. 1840, c. 36.

No petition for the purposes aforesaid shall be filed within less than four years after conviction.

CHAPTER TWENTY-SEVEN.

INSOLVENT DEBTORS.

SECTION.	SECTION.
2942. Insolvent debtor may file petition.	2946. Notice of the order.
2943. Schedule and affidavit.	2947. Summary proceedings before clerk.
2944. Schedule, what to contain.	2948. Creditor may suggest fraud.
2945. Order for creditor to show cause.	2949. Issue of fraud, how tried.

SECTION.	SECTION.
2950. Order of discharge, its terms and effect.	2965. Creditor liable for prison fees in certain cases.
2951. Who entitled to the benefit of this chapter.	2966. Who may take prison bounds.
2952. In what court petition to be filed.	2967. Who may be also discharged from prison under this chapter.
2953. What petition to set forth.	2968. How application to be made.
2954. Oath annexed to petition.	2969. Applicant to serve notice on sheriff or other officer by whom he was committed.
2955. Notice of the time and place of filing petition to be served on creditor bringing suit.	2970. Warrant to bring prisoner.
2956. Creditor may suggest fraud.	2971. Proceedings before court on return of warrant.
2957. When no fraud is suggested debtor discharged.	2972. Oath to be taken.
2958. Debtor may give bond for his appearance.	2973. Who may suggest fraud.
2959. Debtor giving bond prevented by sickness or death from attending court, case continued.	2974. When and by whom application to be made in case debtor confined.
2960. Order of discharge; its terms and effect.	2975. To whom application must be made; trustee appointed, when.
2961. If fraud found, judgment of imprisonment.	2976. Duty of trustee.
2962. Issue of fraud made up; debtor not discharged except by trial and verdict.	2977. General power and duty of trustees under this chapter.
2963. Surety on any bond for appearance may surrender principal.	2978. When trustee is to make returns and when his accounts are to be settled.
2964. Debtor swearing falsely, penalty.	2979. Oath of trustee.
	2980. More than one may be appointed trustee.
	2981. In case of death, &c., of trustee, court may appoint another in his place.

Sec. 2942. Insolvent debtor may file petition. 1868-'9, c. 162, s. 1.

Every insolvent debtor may present a petition in the superior court, praying that his estate may be assigned for the benefit of all his creditors, and that his person may thereafter be exempt from arrest or imprisonment, on account of any judgment previously rendered, or of any debts previously contracted.

Houston v. Walsh, 79—35.

Sec. 2943. Schedule and affidavit. 1868-'9, c. 162, s. 2.

On presenting such petition, every insolvent shall deliver therewith a schedule containing an account of his creditors and an inventory of his estate, as required in

the succeeding section; and shall annex to his petition and schedule the following affidavit, which must be taken and subscribed by him before the clerk of the superior court, and must be certified by such officer:

"I, do swear (or affirm) that the account of my creditors, with the places of their residence, and the inventory of my estate, which are herewith delivered, are in all respects just and true; that I have not at any time or in any manner, disposed of or made over any part of my estate for the future benefit of myself or my family, or in order to defraud any of my creditors; and that I have not paid, secured to be paid, or in any way compounded with any of my creditors, with a view that they, or any of them, should abstain or desist from opposing my discharge. So help me God."

Ballard v. Waller, 7 Jon., 84.

Sec. 2944. Schedule, what to contain. 1868-'9, c.162, s. 3.

The insolvent's schedule shall contain:

(1) A full and true account of his creditors, with the place of residence of each, if known, and the sum owing to each creditor, whether on written security, on account or otherwise;

(2) A full and true inventory of his estate, real and personal, with the incumbrances existing thereon, and all books, vouchers and securities relating thereto;

(3) A full and true inventory of all property, real and personal, claimed by him as exempt from sale under execution.

Sec. 2945. Order for creditors to show cause. 1868-'9, c. 162, s. 4.

On receiving the petition, schedule and affidavit, the clerk of the superior court shall make an order requiring all the creditors of such insolvent to show cause before said officer, within thirty days after publication of the order, why the prayer of the petitioner should not be granted.

Sec. 2946. Notice of the order. 1868-'9, c. 162, s. 5.

Notice of the contents of the order shall be posted by the clerk at the court house door and three other public places in the county where the application is made for four successive weeks; or, in lieu thereof, shall be published for three successive weeks in any newspaper published in said county, or in an adjoining county.

Sec. 2947. Summary proceedings before clerk. 1868-'9, c. 162, s. 6.

If no creditor oppose the discharge of the insolvent, the clerk of the superior court before whom the hearing

of the petitioner is had shall enter an order of discharge and appoint a trustee of all the estate of such insolvent.

Sec. 2948. Creditor may suggest fraud. 1868-'9, c. 162, s. 7.

Every creditor opposing the discharge of the insolvent may suggest fraud and set forth the particulars thereof in writing, verified by his oath; but the insolvent shall not be compelled to answer the suggestions of fraud in more than one case, though as many creditors as choose may make themselves parties to the issues in such cases.

Sec. 2949. Issue of fraud, how tried. 1868-'9, c. 162, s. 8.

In every case where an issue of fraud is made up, the case shall be entered in the trial docket of the superior court, and stand for trial as other causes; and upon a finding by the jury in favor of the petitioner the judge shall enter the order and make the appointment of trustee as above directed.

Sec. 2950. Order of discharge, its terms and effect. 1868-'9, c. 162, s. 9.

The order of discharge shall declare that the person of such insolvent shall forever thereafter be exempted from arrest or imprisonment on account of any judgment, or by reason of any debt due at the time of such order, or contracted for before that time, though payable afterwards. But no debt, demand, judgment or decree against any insolvent, discharged under this chapter, shall be affected or impaired by such discharge, but the same shall remain valid and effectual against all the property of such insolvent acquired after his discharge and the appointment of a trustee; and the lien of any judgment or decree upon the property of such insolvent shall not be in any manner affected by such discharge.

Sec. 2951. Who entitled to the benefit of this chapter. 1868-'9, c. 162, s. 10.

The following persons are entitled to the benefit of this chapter:

(1) Every person taken or charged on any order of arrest for default of bail, or on surrender of bail in any action

(2) Every person taken or charged in execution of arrest for any debt or damages rendered in any action whatever.

Sec. 2952. In what court petition to be filed. R. C., c. 59, s. 3. 1868-'9, c. 162, s. 11.

Every person taken or charged as in the preceding section specified, may, at any time after his arrest or imprisonment, petition the court from which the process issued on which he is arrested or imprisoned, for his discharge therefrom, on his compliance with this chapter

Sec. 2953. What petition to set forth. R. C., c. 59, s. 3. 1868-'9, c. 162, s. 12.

The petition shall set forth the cause of the imprisonment, with the writ or process and complaint on which the same is founded, and shall have annexed to it a just and true account of all his estate, real and personal, and of all charges affecting such estate, as they exist at the time of filing his petition, together with all deeds, securities, books or writings whatever relating to the estate and the charges thereon; and also what property, real and personal, the petitioner claims as exempt from sale under execution.

Purvis v. Robinson, 4 Jon., 96; Griffin v. Simmons, 5 Jon., 145; State v. Carroll, 6 Jon., 458.

Sec. 2954. Oath annexed to petition. R. C., c. 59, s. 3. 1868-'9, c. 162, s. 13.

The petition shall have annexed to it an oath or affirmation, subscribed by the petitioner and taken before any person authorized by law to administer oaths, to the effect following:

"I,, the within named petitioner, do swear (or affirm) that the within petition and account of my estate, and of the charges thereon, are, in all respects, just and true: and that I have not at any time or in any manner disposed of or made over any part of my property, with a view to the future benefit of myself or my family, or with an intent to injure or defraud any of my creditors. So help me God."

Sec. 2955. Notice of the time and place of filing petition to be served on creditor bringing suit. R. C., c. 59, ss. 3, 20. 1773, c. 100, s. 8, amended. 1868-'9, c. 162, s. 14.

Twenty days' notice of the time and place at which the petition will be filed, together with a copy of such petition and the account annexed thereto, shall be personally served by such debtor on the creditor or creditors at whose suit he is arrested or imprisoned, and such other creditors as the debtor may choose, or their personal representatives or attorneys; and if the person to be notified reside out

of the state, and have no agent or attorney in the state, the notice may be served on the officer having the claim to collect, or by two weekly publications in any newspaper in the state.

Sec. 2956. Creditor may suggest fraud. R. C., c. 59, s. 13. 1822, c. 1131, s. 4. 1835, c. 12. 1868-'9, c. 162, s. 15.

Every creditor upon whom the notice directed in the preceding section is served may suggest fraud upon the hearing of the petition, and the issues made up respecting the fraud shall stand for trial, as in other cases.

Folsome v. Gregory, 1 Dev., 233; *Wright v. Roberts*, 6 Ired., 119; *Hutton v. Self*, 6 Ired., 285.

Sec. 2957. When no fraud is suggested, debtor discharged. R. C., c. 59, s. 1. 1873, c. 100. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 16.

If no creditor suggest fraud or oppose the discharge of the debtor, the justice of the peace or the clerk of the superior court before whom the petition is heard, shall forthwith discharge the debtor, and, if he surrender any estate for the benefit of his creditors, shall appoint a trustee of such estate. The order of discharge and appointment shall be entered in the docket of the court, and if granted by a justice of the peace a copy thereof shall be certified by him to the clerk of the superior court, where the same shall be recorded, and filed.

Griffin v. Simmons, 5 Jon., 145; *State v. Davis*, 82—610.

Sec. 2958. Debtor may give bond for his appearance. R. C., c. 59, s. 27. 1818, c. 964. 1868-'9, c. 162, s. 17.

Every debtor entitled to the provisions of this chapter may, at the time of filing his application for a discharge or at any time afterwards, tender to the sheriff or other officer having his body in charge, a bond, with sufficient surety, in double the amount of the sum due any creditor or creditors at whose suit he was taken or charged, conditioned for the appearance of such debtor before the court where his petition is filed, at the hearing thereof, and to stand to and abide by the final order or decree of the court in the case. If such bond be satisfactory to the sheriff, he shall forthwith release such debtor from custody.

Williams v. Yarborough, 2 Dev., 12; *Mooring v. James*, 2 Dev., 245; *Ar-*

rington v. Bass, 3 Dev., 95; Page v. Winningham, 1 D. & B., 113; Smallwood v. Wood, 2 D. & B., 356; Woodland v. Dean, 2 D. & B., 490; Winslow v. Anderson, 3 D. & B., 9; Reynolds v. Boyd, 1 Ired., 106; Wall v. Jarratt, 3 Ired., 42; Williams v. Bryan, 11 Ired., 613; Robinson v. McDougald, 12 Ired., 136; Phillips v. Allen, 13 Ired., 10; Bryan v. Brooks, 6 Jon., 580; Wood v. Wood, Phil., 538.

Sec. 2959. Debtor giving bond prevented by sickness or death from attending court, case continued. R. C., c. 59, s. 10. 1822, c. 1131, s. 1. 1834, c. 8, s. 2. 1868-'9, c. 162, s. 18.

Whenever it appears to the court that any debtor, who may have given bond for his appearance under this chapter, is prevented from attending court by sickness or other sufficient cause, the case shall be continued to another day, or to the next term, when the same proceedings shall be had as if the debtor had appeared according to the condition of his bond, and in the event of his death in the meantime, his bond shall be discharged.

Williams v. Yarborough, 2 Dev., 12; Arrington v. Bass, 3 Dev., 95; Speight v. Wooten, 3 Dev., 327; Crain v. Long, 3 Dev., 371; Page v. Winningham, 1 D. & B., 113; Buis v. Arnold, 8 Jon., 233.

Sec. 2960. Order of discharge, terms, and effect. R. C., c. 59, s. 11. 1822, c. 1131, s. 4. 1835, c. 12. 1868-'9, c. 162, s. 19.

The order of discharge under this chapter, whether granted upon a non-suggestion of fraud, upon the finding of a jury in favor of the debtor, or otherwise, shall be in like terms and have like effect as prescribed in section twenty-nine hundred and fifty; except that the body of such debtor shall be free from arrest or imprisonment at the suit of every creditor, and as to him only, to whom the notice required may have been given; and the notices, or copies thereof, shall in all cases be filed in the office of the superior court clerk.

Watson v. Willis, 2 Ired., 17; Johnson v. McDougald, 5 Jon., 305; Rountree v. Waddill, 7 Jon., 309.

Sec. 2961. If fraud found, judgment of imprisonment. R. C., c. 59, s. 14. 1822, c. 1131, s. 4. 1835, c. 12. 1868-'9, c. 162, s. 20.

If, on the trial, the jury find that there is any fraud or concealment, the judgment shall be that the debtor be imprisoned until a full and fair disclosure and account of all his money, property or effects be made by the debtor.

Bunting v. Wright, Phil., 295.

Sec. 2962. Issue of fraud made up, debtor not discharged except by trial and verdict. R. C., c. 59, s. 17. 1868-'9, c. 162, s. 21.

After an issue of fraud or concealment is made up, the debtor shall not discharge himself as to the creditors in that issue, except by trial and verdict in the same, or by a discharge by consent.

Houston v. Walsh, 79—35.

Sec. 2963. Surety in any bond for appearance may surrender principal. R. C., c. 59, s. 24. 1793, c. 100, s. 7. 1793, c. 380, s. 1. 1822, c. 1131, s. 4. 1868-'9, c. 162, s. 22.

The surety in any bond conditioned for the appearance of any person under this chapter, may surrender the principal, or such principal may surrender himself, in discharge of the bond, to the sheriff or other officer of any court where such principal is bound to appear, in the manner provided in the chapter, entitled, "Code of Civil Procedure," title nine, sub-chapter one.

Brown v. Long, 2 D. & B. Eq., 138.

Sec. 2964. Debtor swearing falsely; penalty. R. C., c. 59, s. 25. 1793, c. 100, s. 10. 1868-'9, c. 162, s. 23.

If any insolvent or imprisoned debtor take any oath prescribed in this chapter falsely and corruptly, and upon indictment of perjury be convicted thereof, he shall suffer all the pains of perjury, and he shall never after have any of the benefits of this chapter, but may be sued and imprisoned as though he had never been discharged.

Sec. 2965. Creditor liable for prison fees in certain cases. R. C., c. 69, s. 5. 1773, c. 100, ss. 8, 9. 1821, c. 1103, amended. 1868-'9, c. 162, s. 24.

When any debtor is actually confined within the walls of a prison, on an order of arrest in default of bail or otherwise, the jailor must furnish him with necessary food during his confinement, if the prisoner require it, for which the jailor shall have the same fees as for keeping other prisoners. If the debtor be unable to discharge such fees, the jailor may recover them from the party at whose instance the debtor was confined. And at any time after the arrest, the sheriff or jailer may give notice thereof to the plaintiff, his agent or attorney, and demand security of him for the prison fees that accrue after such notice, and if the plaintiff fail to give such security, then the sheriff may discharge the debtor out of custody.

Veal v. Flake, 10 Ired., 417; Phillips v. Allen, 13 Ired., 10; Faucett v. Adams, 13 Ired., 235; Bunting v. Mellhenny, Phil., 579.

Sec. 2966. Who may take prison bounds. R. C., c. 59, s. 27. 1818, c. 964. 1868-'9, c. 162, s. 25.

Any imprisoned debtor may take the benefit of the prison bounds by giving security, as required by law, except as follows:

- (1) A debtor against whom an issue of fraud is found:
- (2) Any debtor who, for other cause, is adjudged to be imprisoned until he make a full and fair disclosure or account of his property.

Phillips v. Allen, 13 Ired., 10.

Sec. 2967. Who may also be discharged from prison under this chapter. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 26.

The following persons may also be discharged from imprisonment upon complying with this chapter:

- (1) Every putative father of a bastard committed for a failure to give bond, or to pay any sum of money ordered to be paid for its maintenance.
- (2) Every person committed for the fine and costs of any criminal prosecution.

State v. Davis, 82—610; State v. Bryan, 83—611.

Sec. 2968. How application to be made. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 33. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 27. 1873-'4, c. 90.

Every such person, having remained in prison for twenty days, may apply by petition to the court, where the judgment against him was entered, praying to be brought before such court at a time and place to be named, in the petition, and to be discharged upon taking the oath hereinafter prescribed.

Sec. 2969. Applicant to serve notice on sheriff or other officer by whom he was committed. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 28. 1874-'5, c. 11.

The applicant shall cause ten day's notice of the time and place of filing the petition to be served on the sheriff or other officer, by whom he was committed.

State v. Bryan, 83—611.

Sec. 2970. Warrant to bring prisoner. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 29.

The clerk of the superior court, or justice of the peace before whom such petition is presented, shall forthwith issue a warrant to the sheriff, or keeper of the prison, requiring him to bring the prisoner before the court, at the time and place named for the hearing of the case, which warrant every such sheriff or keeper shall obey.

Sec. 2971. Proceedings before court, on return of warrant. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 30.

At the hearing of the petition, if the such prisoner have no visible estate, and take and subscribe the oath or affirmation prescribed in the succeeding section, the clerk of the superior court, or justice of the peace before whom he is brought, shall administer said oath or affirmation to him, and discharge him from imprisonment; of which an entry shall be made in the docket of the court, and, where the proceeding is before a justice of the peace, the justice shall return the petition and orders thereon into the office of the clerk of the superior court to be filed.

Sec. 2972. Oath to be taken. R. C., c. 59, s. 1. 1773, c. 100, s. 1. 1808, c. 746, s. 2. 1810, c. 797, c. 802. 1830, c. 33. 1838, c. 23. 1840, c. 33, 34. 1852, c. 49. 1868-'9, c. 162, s. 31. 1881, c. 76.

The oath referred to in the preceding section shall be as follows:

"I,, do solemnly swear (or affirm) that I have not the worth of fifty dollars in any worldly substance, in debts, money or otherwise whatsoever, and that I have not at any time since my imprisonment or before, directly or indirectly, sold or assigned, or otherwise disposed of, or made over in trust for myself or my family, any part of my real or personal estate, whereby to have or expect any benefit, or to defraud any of my creditors; so help me God."

State v. Davis, 82—610; State v. Bryan, 83—611.

Sec. 2973. Who may suggest fraud. 1868-'9, c. 162, s. 32.

The chairman of the board of commissioners, and every officer interested in the fee bill taxed against such prisoner, may oppose his taking the oath prescribed in the preceding section; and file particulars of the sugges-

tion in writing, in the court where the same shall stand for trial as prescribed in this chapter, in other cases of fraud or concealment.

Sec. 2974. When and by whom application to be made in case of debtors confined. 1868-'9, c. 162, s. 40.

Whenever any debtor is imprisoned in the penitentiary for any term whatever, or in a county jail for any term more than twelve months, application by petition may be made by any creditor, the debtor, or by his wife, or any of his relatives, for the appointment of a trustee to take charge of the estate of such debtor.

Sec. 2975. To whom application must be made; trustee appointed, when. 1868-'9, c. 162, ss. 41, 42.

The application must be made to the superior court of the county where the debtor was convicted; and upon producing a copy of the sentence of conviction of such debtor, duly certified by the clerk of the court, together with an affidavit of the applicant that such debtor is actually imprisoned under such sentence, and is indebted in any sum whatever, the clerk of the court or the judge thereof may immediately appoint a trustee of the estate of such debtor.

Sec. 2976. Duty of trustee. 1868-'9, c. 162, s. 43.

Every trustee is required to pay the debts of the imprisoned debtor in the manner directed in the succeeding section; and after paying such debts, the trustee shall apply the surplus, from time to time, to the support of the wife and children of such debtor, under the direction of the superior court; and whenever such imprisoned debtor is lawfully discharged from his imprisonment, the trustee so appointed shall deliver up to him all the estate, real and personal, of such debtor, after retaining a sufficient sum to satisfy the expenses incurred in the execution of the trust and lawful commissions therefor.

Sec. 2977. General power and duty of trustees under this chapter. R. C., c. 59, ss. 21, 22. 1773, c. 100, ss. 5, 6. 1827, c. 44. 1830, c. 26, s. 2. 1868-'9, c. 162, s. 44.

Any trustee appointed under this chapter, in the several cases therein contemplated, is hereby declared a trustee of the estate of the debtor, in respect to whose property such trustee is appointed for the benefit of creditors, and is invested, from the time of appointment, with

all the powers and authorities, and subject to the control, obligations and responsibilities prescribed by law in relation to personal representatives over the estates of deceased persons; but all debts shall be paid by the trustees *pro rata*.

Sec. 2978. When trustee is to make returns and when his accounts are to be settled. 1868-'9, c. 162, s. 45.

Such trustee shall make his returns and have his accounts audited and settled by the clerk of the superior court of the county where the proceeding was had, in like manner as provided for personal representatives.

Sec. 2979. Oath of trustee. 1868-'9, c. 162, s. 46.

Before proceeding to the discharge of his duty, such trustee shall take and subscribe an oath, well and truly to execute his trust according to his best skill and understanding; which oath must be filed with the clerk of the superior court.

Sec. 2980. More than one may be appointed trustee. 1868-'9, c. 162, s. 47.

The court shall have power, when deemed necessary, to appoint more than one person trustee under this chapter; but in reference to the rights, authorities and duties conferred herein, all such trustees shall be deemed one person in law.

Sec. 2981. In case of death, &c., of trustee, court may appoint another in his place. 1868-'9, c. 162, s. 48.

In case of the death, removal, resignation or other disability of a trustee, the court making the appointment may from time to time supply the vacancy; and all proceedings may be continued by the successor in office in like manner as in the first instance.

CHAPTER TWENTY-EIGHT.

INSPECTIONS.

SECTION.

2982. Former places of landing and inspection continued; board of county commissioners may appoint others.
2983. To appoint inspectors and to try them for misbehavior in office, and to remove them; proviso as to inspectors in county of Craven; to appoint turners-up of tobacco; to appoint pickers; pickers to be removed for misbehavior; to purchase or rent ground, warehouses, &c., for tobacco inspection; allow salaries to inspectors; prescribe rules and to regulate certain prices.
2984. When warehouse burnt, inspector not liable.
2985. To attend at times and places appointed.
2986. Exporting merchant not to be inspector; penalty.
2987. Not to have deputies; proviso for flour inspectors.
2988. Inspectors to hold office during good behavior.
2989. Vacancies, how filled between meetings of board; assistants in certain cases; principal liable for their acts.
2990. Inspectors of tobacco; duty of.
2991. To give a manifest of each hogshead.
2992. Condemned tobacco re-inspected, when.
2993. None exported before inspection.
2994. Penalty for falsely branding hogshead.

SECTION.

2995. Forgery of stamp, note, &c., of inspector of tobacco.
2996. Manner of proceeding when a note is lost.
2997. Proceedings of one demanding his tobacco; injured since inspection.
2998. Owners may turn up, &c., their tobacco.
2999. No inspector to buy tobacco.
3000. Inspectors of tobacco for Fayetteville.
3001. Inspectors to designate quality.
3002. To take for inspection lugs from each break.
3003. Inspectors of flour to keep blank book, &c.
3004. Inspectors of flour not to trade in flour; nor to buy flour condemned by them; penalty.
3005. Grades of flour.
3006. Barrel of flour to weigh one hundred and ninety-six pounds, net; what flour to pass inspection.
3007. Penalty on miller, manufacturer or seller, violating the foregoing provisions.
3008. Inspectors may, in certain cases, unpack flour.
3009. Seller of barrels deficient in quantity liable, &c.
3010. Casks of flour, how inspected.
3011. Owner dissatisfied, how to obtain a re-examination.
3012. Penalty for exporting flour not passed by inspection.
3013. Penalty on shipper receiving uninspected flour; proviso.
3014. Flour not liable to re-inspection in sixty days.

SECTION.	SECTION.
3015. Cask not condemned in certain cases if it contain one hundred and ninety-six pounds.	ed; penalty on inspector failing.
3016. Penalty for packing flour in a branded cask.	3030. Makers of tar, pitch and turpentine to brand with initials of their names; inspector to keep a book and enter maker's name.
3017. Penalty for altering inspector's brand.	3031. Inspectors of naval stores to gauge spirits of turpentine; other persons prohibited; penalty.
3018. Penalty on inspector of flour neglecting his duty.	3032. Penalty for selling or buying tar otherwise than by weight; proviso.
3019. Uninspected flour sold in Fayetteville.	3033. Beef, &c., re-inspected if not exported in sixty days; tar, pitch and turpentine in twenty days.
3020. "Barrel" or "cask" to include half barrel.	3034. No cooper to make barrels for sale but as directed by this chapter.
3021. Inspector of beef, pork, rice, &c., to attend to and discharge his duty; penalty for misconduct.	3035. Seller or exporter of beef, &c., to produce inspector's certificate, &c.; penalty for refusal.
3022. Beef and pork, how inspected; weight of barrel; misdemeanor.	3036. Penalty on master's receiving without inspection.
3023. Hog's lard, how inspected.	3037. Proviso as to New Berne.
3024. Rice, how inspected.	3038. Shingles, of what size.
3025. Board of county commissioners to appoint inspectors of fish; duties of inspectors; commissioners to prescribe their duties; powers and fees of inspectors; not to apply to fishermen selling fish to packers and shippers.	3039. Lumber, how inspected.
3026. Size of barrels and half barrels regulated; penalty, &c.	3040. Inspectors of saw-mill lumber near Wilmington appointed.
3027. Salted mullet to be packed in certain barrels and packages; to be of a certain size stamped; who a packer; name and place of packer to be stamped on; penalty; proviso as to broken packages; proviso as to fishermen.	3041. Lumber and tun-timber, how inspected in Cape Fear river; penalty for inspecting by other rules.
3028. Barrels of turpentine and tar, of what weight; and of pitch, &c.; of what size, &c.; water not a fraudulent mixture in tar; allowance where barrels weigh more than standard quantity.	3042. Steam mill lumber; how inspected.
3029. Turpentine barrels to be brand-	3043. Saw-mill lumber and tun-timber, how measured.
	3044. Shingles, boards, &c., to be culled.
	3045. No inspector to buy cullings, &c.
	3046. Misdemeanor to act falsely as inspector of any articles.
	3047. Fines, &c., how applied.
	3048. Disputes about extra cooper-

SECTION.	SECTION.
age, &c., in Wilmington, how determined.	3055. Fees of inspectors, by whom paid; penalty for extortion.
3049. Sales of firewood in towns to be by cord.	3056. Cotton, weighing of, and deduction from weight; penalty.
3050. Inspectors of wood for New-Berne.	3057. Weigher's oath filed with register; penalty.
3051. Inspectors of provisions and forage appointed by any county.	3058. Cotton sold in Wilmington to be weighed.
3052. Duty of inspectors of provisions and forage; may appoint deputies.	3059. Who to weigh.
3053. Inspectors, the bond to be given; their fee.	3060. Board of county commissioners to fix the fee.
3054. Penalty for selling provisions and forage uninspected.	3061. Cotton shipped from Wilmington, unless sold in the town, exempt from inspection.

Sec. 2982. Former places of landing and inspection continued; board of county commissioners may appoint others. R. C., c. 60, s. 1. 1784, c. 206, s. 4. 1789, c. 303. 1790, c. 331, s. 3. 1793, c. 386. 1822, c. 1139, s. 2. 1869, c. 20, s. 8, sub. sec. 29.

All such places as have been established by law, or by the order of the commissioners of any county within their county as public landings, or as places of inspection, shall be and remain public landings and places of inspection; and the board of county commissioners may appoint such public landings and places of inspection, within their respective counties, as they may think necessary and convenient; and on any petition for a public landing the board may order the costs to be paid by the petitioner or by the county.

Sec. 2983. To appoint inspectors and to try them for misbehavior in office, and to remove them; proviso as to inspectors in the county of Craven; to appoint turners-up of tobacco; to appoint pickers; pickers to be removed for misbehavior; to purchase or rent ground, warehouses, &c., for tobacco inspection; allow salaries to inspectors, prescribe rules and to regulate certain prices. R. C., c. 60, ss. 2, 3, 20, 27. 1777, c. 120, ss. 6, 9, 10. 1787, c. 265, ss. 3, 5. 1779, c. 159, ss. 2, 3, 4. 1793, c. 386. 1811, c. 807, s. 6. 1811, c. 812. 1850, c. 69, ss. 1, 5.

The several boards of county commissioners, except when herein otherwise directed, may appoint not more than six inspectors in any town or city, who shall take

the oaths prescribed, and hold office for two years, and give bond before the board, payable to the state of North Carolina, and renewed annually, with two sufficient sureties, in the sum of one thousand dollars, conditioned for the faithful discharge of their duties; to bring before the board, by the summons of the chairman, any inspector charged, on written complaint, with neglect, malpractice or misbehavior in office, and, on proof thereof, to remove him from office and appoint another in his stead; and to fill, from time to time, any vacancy arising from any cause. The board may appoint, for the purpose of inspecting timber, such number of inspectors as they consider necessary: *Provided*, inspectors of turpentine and naval stores in the county of Craven, for the places of inspection provided by the county commissioners, shall be elected by the citizens of the county qualified to vote for members of the house of representatives, at the time of the election of members of congress, in the year one thousand eight hundred and eighty-four, and at the same time every two years thereafter; and the polls shall be opened and held under the same rules and regulations as polls for members of the general assembly; and the sheriff or other officer qualified to hold such elections, shall, at the court house, declare the persons having the highest number of votes duly elected inspectors as aforesaid, who shall continue in office for two years next after their qualification and until their successors shall be elected and qualified; and if two persons shall have an equal number of votes the sheriff shall make the election as provided for members of the general assembly. If a vacancy shall occur by death or otherwise the county commissioners may appoint some suitable person to fill the unexpired term. The county commissioners shall appoint not exceeding ten persons, where there may be an inspection of tobacco established, to turn up and cooper tobacco. The turners-up shall hold their appointments during good behavior, but the inspectors shall be judges of their behavior; and if the inspectors find them deficient in duty they shall report them to the commissioners, who shall examine the charge alleged, and if the turners-up are found guilty, the commissioners shall remove them and appoint others. The commissioners shall appoint, where any public inspection of tobacco is established, two persons skilled in tobacco, to be pickers, and may authorize one of the pickers to act in the room of an inspector who is unable to attend to his duties, and in such case the picker shall take the oath of an inspector

and receive his allowance; and the pickers may be called on to give the casting vote should the inspectors disagree in the inspection of any tobacco: *Provided further*, the picker by whose voice any tobacco shall be condemned shall not be allowed to have the picking thereof, and that when the picker is so appointed by the board he shall have the power of inspector, in case of inability of any inspector, until the next meeting of the board or until the inspector can be present. Upon complaint made against any picker, the commissioners shall inquire into the nature thereof, and if such picker has been guilty of any misbehavior in the execution of his duty they shall remove him and appoint another in his stead. The commissioners may, at the expense of the county, purchase or rent ground, build or rent warehouses, provide scales and weights for a tobacco inspection, and allow such salaries to the inspectors as they judge proper, to be paid as a county charge; and also order and limit the times for the attendance of the inspectors at their respective warehouses. The commissioners shall from time to time regulate what shall be paid as warehouse rent for each hogshead of tobacco, and shall appoint some fit person to receive such moneys, who shall be accountable to them for the same; and the inspector's books shall be proof as to the number of hogsheads received; and they shall, as occasion may require, appropriate any part of said moneys in repairing or rebuilding their warehouses. The rules and regulations aforesaid shall obtain with respect to warehouses built by persons on their own lands, and at which a public inspection has been established, as to the warehouse rent for each hogshead of tobacco.

Sec. 2984. When warehouse burnt, inspector not liable.

R. C., c. 60, s. 24. 1777, c. 120, s. 9.

If any warehouse, at any of the tobacco inspections, shall happen to be burned and tobacco therein destroyed, no inspector shall be sued by reason of any notes or receipts by him given for tobacco so burned.

Sec. 2985. To attend at times and places appointed. R.

C., c. 60, s. 4. 1777, c. 120. 1784, c. 206, s. 2.

The several inspectors shall attend, at the times and places established, and inspect, according to the nature of their several appointments, all tobacco, beef, pork, rice, tar, pitch, turpentine, fish, flour, butter, flaxseed, sawed lumber, tun-timber, and shingles, exposed to sale for exportation within their respective counties.

Sec. 2986. Exporting merchant not to be inspector; penalty. R. C., c. 60, s. 5. 1805, c. 681, ss. 1, 2.

No merchant who shall be concerned in the trade and purchase of produce for exportation required to be inspected, shall be appointed inspector. And if any person, receiving such appointment, shall be concerned as a merchant in the exportation of such produce, he shall forfeit the sum of sixty dollars, and be removed from office by the board of county commissioners on motion of any person producing the record of the recovery of the said penalty.

Sec. 2987. Not to have deputies; proviso for flour inspectors. R. C., c. 60, s. 7. 1796, c. 462. 1811, c. 807, s. 2.

No inspector shall appoint a deputy (except when herein otherwise directed), under the penalty of two hundred dollars: *Provided*, if the quantity of flour, brought to any place of inspection, shall at any time be so great that the inspector cannot examine the same with sufficient dispatch, or if, by reason of sickness he shall be incapable of discharging the duties of his office, he may appoint one or more persons, of good repute and skilled in the quality of flour, to assist him in the execution of his office; who after having taken the oaths prescribed for the inspectors of flour, shall be authorized to inspect and brand flour in the same manner as the inspector: *Provided further*, the inspector shall be liable for all misconduct in office of his deputies.

Sec. 2988. Inspectors to hold office during good behavior. R. C., c. 60, s. 8. 1854, c. —.

All inspectors shall hold their offices during good behavior, unless otherwise directed.

Sec. 2989. Vacancies, how filled between meetings of board; assistants in certain cases; principal liable for their acts. R. C., c. 60, s. 9. 1784, c. 206, s. 3. 1793, c. 386. 1799, c. 539, s. 2. 1811, c. 807, s. 6. 1811, c. 812.

Whenever there shall be a vacancy in the office of inspector, while the county commissioners are not in session, any three justices may appoint some other fit person, until the next succeeding meeting of the board; or if any inspector shall be rendered incapable of performing his duty by sickness, or other accident, he may, with the consent of three justices, appoint some other person

as assistant during his sickness or other disability; which consent shall be certified under their hands, and lodged with the clerk of the board of commissioners, and such assistant shall take the same oaths as inspectors; and the inspector shall be liable to the same fines and penalties for the assistant's misbehavior as for his own.

Sec. 2990. Inspectors of tobacco ; duty of. R. C., c. 60, s.

11. 1777, c. 120, s. 3. 1789, c. 302, s. 1. 1817, c. 942, s. 1.

Inspectors of tobacco shall examine well and carefully, by breaking in at one or more places, every hogshead, cask, or parcel of tobacco brought to their respective warehouses for inspection; and such tobacco as they shall find good, sound, and merchantable, and fit for exportation, they shall cause to be immediately headed and hooped, and the number, net weight, and tare, with the name of the warehouse, stamped or marked thereon; and for all tobacco passed by them in crop hogsheads, they shall give to the owner a receipt or note containing the warehouse, number, gross, tare, and net weight, and the kind of tobacco, and therein oblige themselves to deliver such tobacco to the owner or his order, when demanded; and for all such tobacco as they shall pass in parcels, they shall give the owner a transfer note; and all such parcels they shall immediately pack and prize into hogsheads, of at least one thousand pounds net weight, to be by them paid in discharge of such transfer notes to the persons who shall be possessed of them, deducting therefrom when returned to them, at the rate of two per cent. for the first month, and one per cent. for every month after one, for shrinkage; and may also charge out of such notes, thirty pounds of tobacco for the cask; and where tobacco is offered for inspection, and it appears that part thereof only is fit to pass, the owner may separate the good tobacco from the bad; and where the inspectors at any warehouse shall disagree in their opinion as to the quality of any hogshead of tobacco, or where the tobacco is the property of one of the inspectors, then another sworn inspector from the nearest warehouse, or a justice of the peace, shall be called and decide, and receive or reject the same.

Sec. 2991. To give a manifest of each hogshead. R. C., c. 60, s. 12. 1789, c. 425.

Where any tobacco shall be delivered out of a warehouse, the inspectors shall give a separate manifest of

each hogshead delivered, in which shall be inserted the marks, number, and weight.

Sec. 2992. Condemned tobacco re-inspected, when. R. C., c. 60, s. 13. 1794, c. 425.

The proprietor of condemned tobacco shall have the privilege of letting it remain in the warehouse six months after inspection, and shall be entitled to have the same re-inspected if he think proper.

Sec. 2993. None exported before inspection. R. C., c. 60, s. 14. 1777, c. 120, s. 5.

No tobacco shall be exported out of the state, until the same has been carried to some place of inspection, and there viewed, passed, and stamped according to the directions of this chapter.

Sec. 2994. Penalty for falsely branding hogshead. R. C., c. 60, s. 15. 1789, c. 302, s. 4.

If any person shall brand, or cause to be branded, any hogshead of tobacco, which the inspectors have not examined and branded, with a view to induce a belief that such hogshead had been lawfully inspected, he shall forfeit and pay one hundred dollars.

Sec. 2995. Forgery of stamp, note, &c., of inspector of tobacco. R. C., c. 60, s. 16. 1777, c. 120, s. 8. 1817, c. 942, s. 2.

If any person shall forge or counterfeit the stamp, note or receipt of any inspector of tobacco, or shall offer for sale or payment, or demand of any inspector, tobacco on any such forged note or receipt, knowing it to be forged, or shall produce to an inspector as aforesaid any forged certificate, knowing the same to be forged, or shall cause to be exported any hogshead or cask of tobacco stamped with a forged or counterfeit stamp, knowing the same to be forged, or shall take any staves, plank or heading out of any hogshead of tobacco stamped by an inspector as by law directed, after such hogshead shall have been delivered, from any of the public warehouses, with a fraudulent intent, the person so offending shall be guilty of a felony, and punished by imprisonment in the county jail or penitentiary, not less than four months, nor more than ten years.

Sec. 2996. Manner of proceeding when a note is lost. R. C., c. 60, s. 17. 1777, c. 120, s. 8. 1817, c. 942, s. 2.

If any inspector's note shall be lost or destroyed, the

owner, on making oath before some justice of the peace, of the quantity of tobacco mentioned in the same, and that the note is lost or destroyed, and that he is the lawful owner thereof, and entitled to receive the tobacco therein mentioned, may obtain a certificate from the justice; and shall thereby be entitled to receive the tobacco for which the lost note was given: *Provided*, in all such cases the owner, before obtaining another note for the same, shall give bond with approved security to the inspector, who gave the lost or destroyed note, or his successor, in double the amount of the value of the tobacco to indemnify the person, who may thereafter produce the original note, the value by him paid for the same; the bond taken shall be assignable by the inspector taking the same to the person producing the original note, who may maintain an action thereupon, and such assignment shall exonerate the inspector from any claim or demand against him by virtue of the original note.

Sec. 2997. Proceedings of one demanding his tobacco; injured since inspection. R. C., c. 60, s. 18. 1777, c. 120, s. 10.

When any person demands tobacco of any inspector on his note, and shall have cause to believe that the same hath received damage after inspection, three justices of the county (not being merchants) where the tobacco is, shall, on the application of the person demanding the tobacco, repair immediately to the warehouse, and there (being first sworn by some other justice, who is empowered to administer such oath) well and carefully view and examine the tobacco in dispute, and give their opinion whether the same ought to pass or be rejected, according to the best of their judgment and consciences, without favor or affection; and if in their judgment it is good, sound, and fit for exportation, the tobacco passed shall be a sufficient tender to the party demanding on the note for the same; and in that case the party calling a review shall pay the justices attending eighty cents each; but if they reject the tobacco the inspector shall pay the said justices, and shall be liable to the owner of the note for the value of the tobacco so rejected, and such damages as he may sustain by lying out of the same from the time of demanding.

Sec. 2998. Owners may turn up, &c., their tobacco. R. C., c. 60, s. 20. 1787, c. 265, s. 3.

Any person bringing tobacco to any of the said inspec-

tors may turn up, pick, prize and cooper his own tobacco, and have free access to any of the prizes erected by the county for the purpose of prizing the same. And if any dispute should arise between the persons bringing tobacco to any warehouse the right of preference to the prizes shall be determined by the inspectors.

Sec. 2999. No inspector to buy tobacco. R. C., c. 60, s. 22. 1777, c. 120, s. 10.

No inspector shall, directly or indirectly, buy, or receive by way of barter, loan or exchange, any tobacco whatsoever, (payments for his own rents excepted,) under the penalty of forfeiting his office.

Sec. 3000. Inspectors of tobacco for Fayetteville. R. C., c. 60, s. 28. 1842, c. 41, s. 1.

The board of county commissioners of Cumberland, at the first meeting after the first day of February, one thousand eight hundred and eighty-three, and every two years thereafter, shall appoint one or more inspectors of tobacco; and no person shall inspect tobacco in the town of Fayetteville unless so appointed.

Sec. 3001. Inspectors to designate quality. R. C., c. 60, s. 29. 1842, c. 41, s. 2.

Such inspectors shall designate four qualities of tobacco, to be known as follows: first, second and third qualities, and refused or unmerchantable; and they shall mark it according to the quality, and give notes, designating the same.

Sec. 3002. To take for inspection lugs from each break. R. C., c. 60, s. 30. 1842, c. 41, s. 3.

The inspectors in Fayetteville shall take from each break not less than four nor more than six hands, or lugs of tobacco, and deliver one-half to the owner or consignee, and retain the other half, marked according to the quality, and keep the same for the inspection of any person who may wish to examine it, until the tobacco is shipped or sold.

Sec. 3003. Inspectors of flour to keep blank books, &c. 1858-'9, c. 56.

All inspectors of flour shall keep a blank book and register therein the number of barrels inspected by him or his deputy each day, the name or names of the person or persons for whom the inspection was made, with the

different grades or qualities of each lot inspected by him, and the said book or books shall be kept open by him for review or inspection of the public.

Sec. 3004. Inspectors of flour not to trade in flour, nor to buy flour condemned by them; penalty. R. C., c. 60, s. 31. 1810, c. 790, s. 11. 1811, c. 807, s. 5.

No inspector of flour or his deputies shall directly or indirectly, trade in flour, bread or other articles made of flour, under the penalty of two hundred dollars; and every inspector so offending and thereof convicted, shall be disqualified for acting in his office; and no inspector of flour shall, directly or indirectly, purchase any flour by him condemned; nor any other flour than for his own use, under the penalty of seven dollars for every barrel by him purchased.

Sec. 3005. Grades of flour. R. C., c. 60, s. 32. 1813, c. 852, s. 3. 1852, c. 135, s. 1.

The several grades of flour shall be distinguished as follows, namely: family, superfine, fine, and cross-middling; and inspectors of flour shall conform their inspection, as near as may be, to the inspection observed and in use in the adjacent states.

Sec. 3006. Barrel of flour to weigh one hundred and ninety-six pounds net; what flour to pass inspection. R. C., c. 60, s. 33. 1791, c. 345, ss. 1, 2. 1807, c. 728, s. 1. 1810, c. 790, ss. 4, 5, 6.

Each barrel of flour, exposed to sale in or exported from the state, by land or water, shall contain one hundred and ninety-six pounds, and each half barrel, ninety-eight pounds of net flour, well ground, bolted, and packed, merchantable and of due fineness, without any mixture of coarse flour, or flour of any other grain than wheat; and every barrel shall be made of good seasoned wood, tightened with ten hoops, sufficiently nailed with flour nails in each chine-hoop and three nails in each upper bilge hoop; and the dimensions shall be as follows, namely: the staves shall be twenty-seven inches in length, and the head seventeen and one-half inches in diameter; and the half barrel shall be of the following dimensions, namely: the staves twenty-three inches in length, and the head twelve and one-half inches in diameter; and every miller or manufacturer of flour for sale or exportation shall provide and keep a distinguishing mark or brand, containing the initials of his Christian name, and his sur-

name at length, with which he shall brand every cask of flour, and mark thereon the net and tare weight, before the same shall be removed from the place where it was bolted; and every miller or manufacturer shall receive the sum of ten cents for bolting, packing and nailing every barrel of flour bolted, and that only.

Sec. 3007. Penalty on miller, manufacturer or seller, violating the foregoing provisions. R. C., c. 60, s. 34. 1791, c. 345, s. 2. 1807, c. 728, s. 1. 1810, c. 790, ss. 5, 6.

Every miller or manufacturer of flour, not complying with the preceding section, shall pay two dollars for every cask of flour not hooped, marked, branded, and nailed as aforesaid, to be recovered from the miller, or from the person who shall bring such flour to any of the places aforesaid for sale; and in case said penalty should be recovered from the person bringing such flour for sale, he may recover the same from the miller, or bolter from whom he purchased or received the same: *Provided*, he gave notice to the miller or bolter that he intended to carry the same to one of the places aforesaid for sale or exportation, and that he requested said miller or bolter to secure and brand the barrels. And every miller or manufacturer, putting into any cask a less quantity than herein directed, shall forfeit and pay for the deficiency of each pound the sum of ten cents.

Sec. 3008. Inspectors may, in certain cases, unpack flour. R. C., c. 60, s. 35. 1810, c. 790, s. 7.

The inspector, upon his suspicion, or at the request of the purchaser, shall unpack any cask of flour; and if there shall be a less quantity than above directed, the miller, bolter, or seller shall pay the charges of unpacking and repacking, besides the penalties aforesaid; but otherwise, they shall be paid by the inspector, or by the purchaser, if the trial be made at his request.

Sec. 3009. Seller of barrels deficient in quantity liable, &c. R. C., c. 60, s. 36. 1807, c. 728, s. 2.

When any person shall sell a barrel of flour not containing the full quantity, the purchaser, unless there shall be a special contract to the contrary, shall be allowed to recover the value of the deficiency in a civil action.

Sec. 3010. Casks of flour, how inspected. R. C., c. 60, s. 37. 1791, c. 345, s. 3. 1810, c. 790, s. 8. 1813, c. 852, s. 3. 1852, c. 135, s. 2.

Every inspector shall inspect and try each cask brought

to him to be inspected, by boring through the cask from one head, with an instrument not exceeding half an inch in diameter and equal in length with a barrel of flour, to be by him provided for the purpose; and if he shall judge that the same is well packed and merchantable, he shall plug up the hole and brand the cask in the quarter, with the name of the place in which he is inspector, with a public brand to be by him provided; and shall also brand and mark the degree of fineness which he shall determine the same to be of; for which trouble the inspector shall receive from the owner five cents for every barrel; and no inspector shall pass any flour which shall be unmerchantable, but shall cause the same to be marked on the bilge "*condemned*;" or secure it for further examination if required; and the inspector may receive from the owner the same fees as if it had been passed; and every inspector shall, if required, give the owner of the flour inspected and branded, a certificate of the same, and shall keep a record or book of inspection of all flour inspected and branded as aforesaid, setting forth the owner of the flour and miller's name, with the quality of each cask.

Sec. 3011. Owner dissatisfied, how to obtain a re-examination. R. C., c. 60, s. 38. 1811, c. 807, s. 1.

Whenever any person may think himself aggrieved by the decision of any inspector of flour, the owner or his agent may secure it for further examination, which shall be made within sixty days, by applying to a justice, who shall issue a warrant directed to three indifferent persons, well skilled in the manufacture of flour, one of whom shall be named by the owner of the flour, one by the inspector, and the third by the magistrate; which persons, having first taken the oath directed for inspectors, shall carefully examine the flour, and if they, or any two of them, shall differ from the inspector as to the quality, the inspector shall brand and mark the same according to their judgment, and he shall pay all costs attending the examination; but if they shall be of opinion that the judgment of the inspector is correct, the owner shall pay costs.

Sec. 3012. Penalty for exporting flour not passed by inspector. R. C., c. 60, s. 39. 1810, c. 790, s. 8.

No person shall export, or lade on board of any ship or vessel for exportation out of the state, any barrel of flour marked "*condemned*" by an inspector, or any barrel of flour not inspected or branded as aforesaid, on pain of

forfeiting ten dollars for every barrel of flour exported, or put on board of any ship or vessel for exportation.

Sec. 3013. Penalty on shipper receiving uninspected flour; proviso. R. C., c. 60, s. 40. 1811, c. 807, s. 3. 1813, c. 852, s. 2. 1844, c. 49, s. 3.

If any master, owner, or commander of a ship, vessel, boat or craft shall receive any barrel of flour on board for exportation or transportation from one town or port, being a place of inspection, to another, which is not inspected and branded as herein directed, he shall forfeit and pay five dollars for every barrel so received: *Provided*, this section shall not extend to the transportation of flour from Fayetteville to Wilmington.

Sec. 3014. Flour not liable to re-inspection in sixty days. R. C., c. 60, s. 41. 1811, c. 807, s. 4.

Any cask of flour, which has been inspected and branded at any one place of inspection in the state, shall not be subject to re-examination and inspection in another, unless, after such inspection, it shall have remained for sixty days before it is exported; and the certificate of the inspector shall be conclusive evidence of the time when the flour was inspected.

Sec. 3015. Cask not condemned in certain cases, if it contain one hundred and ninety-six pounds. R. C., c. 60, s. 42. 1828, c. 84, s. 2, amended.

No inspector of flour shall condemn any flour cask for not being precisely of the dimensions required by this chapter: *Provided*, such cask shall come within one-half inch of the length of the stave, and one-half inch in the diameter of the head, of the measurement required, and shall contain one hundred and ninety-six pounds of flour.

Sec. 3016. Penalty for packing flour in a branded cask. R. C., c. 60, s. 43. 1810, c. 790, s. 9.

If any person shall pack for sale flour or meal of any kind whatever in a cask which has been inspected and branded with the name of a miller, he shall forfeit and pay twenty dollars for every barrel, one-half to the informer, the other half to the miller, and be further liable to the action of the party aggrieved.

Sec. 3017. Penalty for altering inspector's brand. R. C., c. 60, s. 44. 1791, c. 345, s. 4. 1810, c. 790, s. 12.

If any person shall alter the mark branded on any cask

of flour by an inspector, or shall mark or brand any cask of flour which has not been inspected, with any mark or brand similar to, or in imitation of any inspector's mark or brand, or after an inspector shall have passed any cask of flour as merchantable, shall pack into said cask any other flour, or after any cask of flour shall be branded "*condemned*," shall unpack and repack the same in other casks for exportation, he shall forfeit and pay seven dollars for every cask, and be guilty of a misdemeanor.

Sec. 3018. Penalty on inspector of flour neglecting his duty. R. C., c. 60, s. 45. 1791, c. 345, s. 5.

Every inspector of flour, failing to perform the duties herein mentioned, shall forfeit and pay ten dollars for every offence.

Sec. 3019. Uninspected flour sold in Fayetteville. R. C., c. 60, s. 46. 1835, c. 91.

Any person may sell flour in the town of Fayetteville, either in casks or otherwise, without submitting the same to inspection.

Sec. 3020. "Barrel" or "cask of flour" to include half-barrel. R. C., c. 60, s. 47.

Wherever the term "barrel" or "cask of flour" may be used in this chapter, it shall be construed to include a half barrel, unless the same be repugnant to the enactment.

Sec. 3021. Inspector of beef, pork, rice, &c., to attend to and discharge his duty; penalty for misconduct. R. C., c. 60, s. 48. 1784, c. 206, s. 7.

Every inspector of beef, pork, rice, flaxseed, fish, tar, pitch and turpentine shall constantly attend at the places for which he shall be appointed, and shall provide an iron to brand any of the said commodities, bearing the name of the inspector and his place of residence, and shall find laborers equally with the owners to assist in weighing the several commodities he shall inspect and weigh; and also shall find and provide proper steelyards or scales of the lawful standard; and if any inspector shall neglect his duty, or brand or stamp any of the commodities contrary to this chapter, or brand any empty barrels, or lend his brand to any person, he shall forfeit and pay for every such offence twenty dollars; and for branding any empty barrel, or lending his brand, two hundred dollars; and every other person that shall brand, or procure to be

branded, any cask or barrel, otherwise than by the inspector or by his assistant, shall forfeit and pay for every offence the same fines and penalties as inspectors are by this section liable to pay for similar breaches of duty or misbehavior.

Sec. 3022. Beef and pork, how inspected; weight of barrel; misdemeanor. R. C., c. 60, s. 49. 1784, c. 206, s. 8: 1784, c. 221, s. 5. 1791, c. 319, s. 1. 1883, c. 388.

All beef or pork, packed for sale or exportation, shall be put in good and sufficient new, white oak, turkey or water oak casks, which shall not contain, each barrel, more than twenty-eight gallons, wine measure, and fifteen gallons, each half-barrel; and such cask shall be made of timber, seasoned at least six months after the riving, the staves not less than half an inch thick when wrought, the head not less than three-quarters of an inch thick, and well dowelled, twelve good substantial hoops on each cask, and the whole to be tight, fit to hold pickle, and made in a workmanlike manner; and each barrel shall contain at least two hundred pounds of good, sound and clean merchantable meat, well salted and cured, with at least half a bushel of salt to each barrel, and nailed and packed, with no more than two heads, and without any boar's flesh, in any barrel of pork, and without any heads or bull's flesh, or more than two shins in any barrel of beef; and each half-barrel shall contain one hundred pounds of salted meat, and if beef, not more than one shin, and if pork, not more than one head. The standard weight of a barrel of pork shall be two hundred pounds of pork; and any person offering for sale pork put up in barrels containing a less quantity of meat than two hundred pounds, shall be guilty of a misdemeanor, and fined not less than five nor more than ten dollars for each offence, and shall also be liable in a civil action for the difference in weight.

Sec. 3023. Hog's lard, how inspected. R. C., c. 60, s. 50. 1784, c. 221, s. 5.

All hog's lard, exported in casks, shall be inspected respecting the quality thereof, for which the inspectors shall be entitled to fees similar to those allowed for pork, respect being had to the size of the cask; and hog's fat or lard shall not be exported unless in cypress, white oak, or juniper casks, and inspected under the penalties inflicted for exporting uninspected pork.

Sec. 3024. Rice, how inspected. R. C., c. 60, s. 51. 1784, c. 206, s. 8.

Every cask of rice, intended for sale or exportation, shall be filled with sound and well cleaned rice; and after the same has been inspected and found good and merchantable, it shall be branded as aforesaid, and a certificate thereof given to the owner, bearing date, in words at length, the same day such commodity was inspected and passed.

Sec. 3025. Board of county commissioners to appoint inspectors of fish; duties of inspectors; commissioners to prescribe their duties; powers and fees of inspectors; not to apply to fishermen selling fish to packers and shippers. 1881, c. 119, s. 2.

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 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 ten cents per barrel and five cents per half-barrel 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. 3026. Size of barrels and half-barrels regulated; penalty, &c. R. C., c. 60, s. 52. 1784, c. 206, s. 9. 1784, c. 221, s. 3. 1796, c. 462, s. 2. 1831, c. 16. 1879, c. 189, s. 3. 1881, c. 119.

All fish packed for market shall be packed in half-barrels, of the following dimensions, to wit: thirteen inches in diameter at the head on the inside of the staves, which staves shall be twenty-five inches in length and confined by at least ten hoops to each barrel, and shall contain not less than one hundred pounds of sound fish, net, with sufficient quantity of salt. Firkins, tubs, kits and smaller packages other than half-barrels shall be sold at their net weight, which shall be marked on said package; and any person packing or offering for sale fish in barrels or half-barrels of less dimensions than is provided for in this section, or fraudulently marking the weight of said smaller packages, shall for each offence be guilty of a misde-

meanor, and fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court: *Provided*, the penalties of this section shall only apply to the packers and shippers of mullet.

Sec. 3027. Salted mullet to be packed in certain barrels and packages; to be of a certain size, stamped; who a packer; name and place of packer to be stamped; proviso as to broken packages; proviso as to fishermen. 1873-'4, c. 171. 1874-'5, c. 55.

Each package of salted mullet packed and offered for sale by the package shall contain certain net weight as follows: Oak barrels, two hundred pounds; oak half-barrels, one hundred pounds; oak quarter-barrels, fifty pounds; pine barrels, one hundred and sixty pounds; pine half-barrels, eighty pounds; pine quarter-barrels, forty pounds; and all other kinds of barrels shall contain the same number of pounds as pine barrels, half and quarter-barrels, and each package shall be stamped as follows: Two inch mullets and over, number one; one and a half inch mullets, number two; one inch mullets and under, number three; and fish of different lengths and kinds, mixed; and any person who shall pack fish 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 the quality 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 offence, and may be imprisoned at the discretion of the court not to exceed thirty days: *Provided*, this section shall not apply to broken packages of fish: *Provided further*, this section shall not apply to fishermen themselves or those directly engaged with nets and seines, but shall apply only to merchants and others who may be classed as packers within the proper meaning of the term.

Sec. 3028. Barrels of turpentine and tar of what weight; and of pitch, &c., of what size, &c.; water not a fraudulent mixture in tar; allowance where barrels weigh more or less than standard quality. R. C., c. 60, s. 53. 1784, c. 206, s. 10. 1784, c. 221, ss. 1, 2. 1823, c. 1215, ss. 1, 2. 1846, c. 57, s. 1. 1848, c. 44. 1850, c. 72.

Every barrel of soft turpentine or tar shall be of the

weight of two hundred and eighty pounds gross; every barrel of hard turpentine, of the weight of two hundred and forty pounds gross; every barrel of pitch, shall contain thirty-two gallons; and every barrel of turpentine, tar or pitch shall be free from any fraudulent mixture, and put in good and sufficient casks made of good seasoned staves, three quarters of an inch thick, and not exceeding five inches wide, and not less than thirty nor more than thirty-two inches long, and heads not less than one nor more than one inch and a half thick, and secured with twelve good hoops, except hard turpentine, which shall be secured with ten good hoops, and the joint of the head shall be placed perpendicularly to the bung; and if turpentine, tar or pitch shall be fraudulently mixed, the same shall be condemned by the inspector, and delivered to the owner on demand; but water shall not be accounted a fraudulent mixture in tar; and in such case the barrel shall not be branded by the inspector until the same is as free from water as it can be made. And forasmuch as it is difficult for the makers of turpentine and tar so to regulate the size of their barrels that every barrel shall weigh the number of pounds required by this section, the inspector shall make out two fair bills of the same, the one for the seller and the other for the buyer, in which he shall designate the quantity and quality of the same, making a proportional allowance to the seller, when the barrel shall weigh more than the standard number of pounds established by this section, and the same allowance to the buyer, when the barrel shall weigh less.

Sec. 3029. Turpentine barrels to be branded; penalty on inspector failing. R. C., c. 60, s. 54. 1821, e. 1081. 1833, c. 172. 1844, c. 63. 1846, c. 57, s. 2.

Every barrel of turpentine, after the same shall be inspected, weighed, found clean, and in merchantable order, shall be branded or marked by the inspector; the soft with the letter S., and the hard with the letter H. And if any inspector shall inspect any turpentine or tar, contrary to the directions of this chapter, or shall give any bill contrary to the same, he shall forfeit and pay fifty dollars for each offence.

Sec. 3030. Makers of tar, pitch and turpentine, to brand with initials of their names; inspector to keep a book and enter maker's name. R. C., c. 60, s. 55. 1784, c. 206, s. 11. 1846, c. 57, s. 2.

Every maker of tar, pitch or turpentine shall mark or

brand each barrel with the initial letters of his name, and in case of his failure, the inspector is required to mark the same, for which he shall receive one-half cent per barrel; which fee shall be paid by the person paying the fees of inspection, and by him may be charged to the maker; and every inspector shall keep a book, in which shall be fairly entered the maker's name, and the mark of every barrel of beef, pork, rice, tar, pitch, turpentine, flour, fish, and butter, and the number of barrels inspected of the same mark, the name of the merchant or shipper causing the same to be inspected, and the time of inspection; and shall give a certificate of any parcel to any person requiring the same, on payment of ten cents.

Sec. 3031. Inspectors of naval stores to gauge spirits of turpentine; other persons prohibited; penalty. 1856-'7, c. 27, ss. 1, 2,

Inspectors of naval stores, appointed for the town of Wilmington, in New Hanover county, are authorized and required to gauge the article of spirits of turpentine in said town of Wilmington; and they shall be entitled to the sum of five cents for each and every cask or barrel of spirits of turpentine so gauged, to be paid by the purchaser, and it shall not be lawful for any other person than those legally appointed as inspectors of naval stores to gauge said article of spirits of turpentine in said town of Wilmington, under the penalty of one hundred dollars for each violation.

Sec. 3032. Penalty for selling or buying tar otherwise than by weight; proviso. 1879, c. 145, s. 3.

If any person shall sell or buy tar in any other manner than by weight, such person shall pay five dollars to any person informing, to be recovered to the use of the person informing before any justice of the peace having jurisdiction, upon written information supported by affidavit: *Provided*, this section shall not apply when tar is sold in less quantity than one barrel.

Sec. 3033. Beef, &c., re-inspected if not exported in sixty days; tar, pitch and turpentine, in twenty days. R. C., c. 60, s. 56. 1784, c. 206, s. 12.

No beef, pork, rice, fish, flour, or butter shall be shipped on board of any ship or vessel, for exportation, after the expiration of sixty days from the time the same was inspected, nor any tar, pitch, or turpentine, after the expiration of twenty days, until the same shall have been

again inspected, and certificates granted in the same manner as if such commodities had never been inspected; and every person offending herein shall pay twenty dollars for each barrel or cask; and the master or commander of such ship or vessel shall be liable to the same penalty, as for taking on board any of the said commodities without being branded.

Sec. 3034. No cooper to make barrels for sale but as directed by this chapter. R. C., c. 60, s. 57. 1784, c. 206, s. 15.

No cooper, or any person making casks, shall expose for sale any barrel or half-barrel for the holding of pork or beef, other than such as are by this chapter directed to be made for this use, under the penalty of two dollars; and every such person, before he exposes the same for sale, shall set his proper brand upon them, which brand shall be recorded in the office of the register of deeds of the county where he shall reside, under the penalty of twenty dollars for every neglect.

Sec. 3035. Seller or exporter of beef, &c., to produce inspector's certificate, &c.; penalty for refusal. R. C., c. 60, s. 58. 1784, c. 206, s. 16.

Every seller or exporter of beef or other commodity directed to be inspected, shall produce the certificate of the inspector who inspected the same, and make oath, if required, before a justice of the peace, on the delivery of the goods sold or exported, that the several commodities by him to be sold or exported, are the same that were inspected and passed, and do contain the full quantity mentioned in such certificate, without embezzlement, to his knowledge, which oath the justice shall certify on the back of the certificate, which certificate the seller shall deliver to the buyer of such commodities, and the person exporting them shall deliver the certificate to the master of the ship or vessel on board which the same shall be shipped, and if the seller or exporter shall refuse to make oath, he shall for every such offence forfeit and pay the sum of two hundred dollars.

Sec. 3036. Penalty on master receiving without inspection. R. C., c. 60, s. 59. 1784, c. 206, s. 6.

No master or commander of any vessel shall take on board any such cask or barrel or other commodity liable to inspection as aforesaid, without being inspected and branded as required, under the penalty of two hundred dollars for each offence.

Sec. 3037. Proviso as to New-Berne. R. C., c. 60, s. 60. 1842, c. 39.

The four preceding sections shall not extend to the town of New-Berne, so far as relates to tar, pitch and turpentine.

Sec. 3038. Shingles, of what size. R. C., c. 60, s. 61. 1784, c. 206, ss. 13, 14. 1822, c. 1157. 1826, c. 33.

Shingles shall not be less than eighteen inches long, four inches broad, and five-eighths of an inch thick; should they be larger they shall not for that reason be considered unmerchantable.

Sec. 3039. Lumber, how inspected. R. C., c. 60, s. 62. 1784, c. 206, s. 14.

Boards of plank shall be deemed merchantable, and passed by any inspector, that are free from splits not more than twelve inches long, have no edge less than half an inch thick, and as near as may be of an equal thickness at each end; and every board, plank, piece of scantling or other square timber, being marked with the number of more superficial feet than are contained therein, shall be forfeited to the county for the use of the poor: *Provided*, no shingles, boards, plank or scantling, shall be inspected, unless required by the purchaser.

Sec. 3040. Inspectors of saw-mill lumber near Wilmington appointed. R. C., c. 60, s. 63. 1838, c. 30, ss. 1, 2.

The board of commissioners of the county of New Hanover shall at the meeting at which they appoint inspectors for the town of Wilmington, also appoint one inspector for each of the saw-mills in the vicinity of said town, for the inspection of lumber only; and if any such inspector shall fail when called upon by the proprietors or their agents, promptly and faithfully to discharge his duties, he shall for every failure forfeit and pay to the party aggrieved fifty dollars.

Sec. 3041. Lumber and tun-timber, how inspected in Cape Fear river; penalty for inspecting by other rules. R. C., c. 60, s. 64. 1824, c. 1254, ss. 1, 2. 1838, c. 30, ss. 2, 3. 1840, c. 41. 1850, c. 70, s. 1.

The inspection of saw-mill and other lumber and tun-timber on the Cape Fear river, and at the several ports belonging to the same, shall be governed by the following rules, to-wit: All sound boards and planks, with

square edges and showing heart one-half the length, and as near an equal thickness at both ends as may be, and split not more than one-third of the length; all sound scantling with square edges, and as near the same dimensions at both ends as may be; and all sound scantling with square edges two-thirds of their length, and the bark not more than one inch wide, and as near the same dimensions as may be at both ends; and all sound tun-timber squaring eleven inches and upwards, and showing heart one half the length, shall be merchantable; and all saw-mill or other lumber or tun-timber, not being of such description, shall be refused. And all sound timber inspected and refused by reason of not showing heart and not squaring eleven inches, shall be culled and the refuse separated from the merchantable, except there be an agreement between the purchaser and the seller that the same shall not be done. The purchaser or purchasers, receiving such timber, sold and inspected on the Cape Fear river, shall pay the seller or owner of such timber one-half the price for the refuse which may be stipulated to be paid for the merchantable. Any inspector who shall inspect saw-mill lumber by any rules different from those prescribed by this section shall forfeit and pay the sum of one hundred dollars for every offence.

Sec. 3042. Steam mill lumber, how inspected. R. C., c. 60, s. 65. 1828, c. 26.

All steam mill lumber, not herein otherwise provided for, showing heart one-half the length, shall be merchantable; and no inspector, having a stated salary from the proprietor of a steam mill, shall inspect any timber brought to the mill, unless by consent of the seller, under the penalty of fifty dollars.

Sec. 3043. Saw-mill lumber and tun-timber, how measured. R. C., c. 60, s. 66.

All tun and square timber and saw-mill lumber at the several markets and mills in the state shall be measured by superficial or board measure; and any person who shall sell such timber by any other measure shall pay ten dollars for every offence.

Sec. 3044. Shingles, boards, &c., to be culled. R. C., c. 60, s. 67. 1824, c. 1254, s. 4. 1830, c. 32.

All shingles, boards, plank and scantling inspected shall be culled, and the refuse separated from the mer-

chantable, except there be an agreement otherwise between the purchaser and seller.

Sec. 3045. No inspector to buy cullings, &c. R. C., c. 60, s. 68. 1784, c. 206, s. 19.

No inspector shall purchase any cullings, or other articles that do not pass inspection, upon pain of forfeiting one hundred dollars.

Sec. 3046. Misdemeanor to falsely act as inspector of any articles. R. C., c. 60, s. 69. 1824, c. 1254, s. 3, amended.

If any person, who is not a legal or sworn inspector of lumber or other articles, presume to act as such, he shall forfeit and pay one hundred dollars, and be guilty of a misdemeanor.

Sec. 3047. Fines, &c., how applied. R. C., c. 60, s. 70. 1784, c. 206, s. 18.

The several penalties and forfeitures by this chapter inflicted, unless otherwise provided, shall be applied one-half to the use of the prosecutor, and the other half to the county wherein such penalty shall be incurred.

Sec. 3048. Disputes about extra cooerage, &c., in Wilmington, how determined. R. C., c. 60, s. 71. 1829, c. 50. 1842, c. 40.

In case the purchaser and seller cannot agree as to the amount to be allowed for extra cooerage and defective barrels in the town of Wilmington, any inspector of naval stores and provisions in the town, at the instance of either, shall establish the amount to be allowed therefor, and such estimate shall be conclusive; and if such inspector refuse to make the estimate when called on, he shall forfeit and pay twenty-five dollars to any person who will sue for the same.

Sec. 3049. Sale of fire-wood in towns to be by cord. R. C., c. 60, s. 72. 1784, c. 211.

All fire-wood sold in incorporated towns shall be sold by the cord and not otherwise; and each cord shall contain eight feet in length, four feet in height and four feet in breadth; and shall be corded by the seller, under the penalty of two dollars for each offence, to the use of the informer.

Sec. 3050. Inspectors of wood for New-Berne. R. C., c. 68, s. 73. 1846, c. 198, ss. 1, 2, 3.

The board of commissioners for the county of Craven may appoint one or more inspectors of fire-wood for the town of New-Berne, who shall reside therein and inspect all such wood as may be carried to the town for sale; and before entering upon their duties they shall take the oaths and give the bonds required of other inspectors, and shall receive, for inspecting each cord of wood, four cents, to be paid by the purchaser.

Sec. 3051. Inspectors of provisions and forage appointed by any county. R. C., c. 60, s. 74. 1848, c. 43, s. 1.

The board of county commissioners may appoint for their county an inspector of provisions and forage, who shall hold his office for the term of five years after his appointment.

Sec. 3052. Duty of inspectors of provisions and forage; may appoint deputies. R. C., c. 60, ss. 75, 78. 1848, c. 43, s. 2. 1850, c. 74, ss. 1, 3, 4.

Such inspector, when any article of provision or forage is imported from any place out of the state, such as beef, pork, fish, flour made of wheat, buckwheat or rye (said articles being in barrels, half-barrels or kegs); butter by the firkin; cheese by the box; hay or fodder pressed in bales or bundles; or hogsheads of bacon; shall be compelled, when such articles are offered for sale, to inspect, examine and brand them according to such rules and regulations as may be established by the county commissioners: *Provided*, when any of said articles shall have been before inspected by any inspector of the state they shall not be subject to re-inspection. Any such inspector, whenever the business may require it, may appoint a deputy, who shall take an oath of office, and for his official duty and penalties incurred by him the inspector shall be liable.

Sec. 3053. Inspectors, the bond to be given; their fees. R. C., c. 60, s. 76. 1848, c. 43, s. 3.

The said inspector shall enter into bond in the sum of five hundred dollars, payable to the state of North Carolina, conditioned for the faithful performance of the duties of his office, which bond the board shall take; and he shall be entitled to such fees as may be prescribed by the board.

Sec. 3054. Penalty for selling provisions and forage un-inspected. R. C., c. 60, s. 77. 1850, c. 74, s. 2.

If any person shall sell any article of forage or provision aforesaid, without the same having been inspected, according to this chapter, he shall, for every offence, forfeit and pay one hundred dollars.

Sec. 3055. Fees of inspectors, by whom paid; penalty for extortion. R. C., c. 60, s. 79. 1784, c. 206, s. 14. 1824, c. 1254, ss. 1, 2.

The fees of inspectors shall be paid by the purchaser or exporter of the articles inspected, and if any inspector shall receive any greater fees than are by law allowed, he shall forfeit and pay ten dollars for every offence to any person suing for the same.

Sec. 3056. Cotton, weighing of; and deductions from weight; penalty. 1874-'5, c. 58, ss. 1, 3.

It shall be unlawful for any purchaser or weigher of cotton to make any deduction from the weight of any bag, bale or package of lint cotton for or on account of the draft, turn or break of the scales, steelyards or other implement used in weighing the same, or for any other cause except as hereinafter allowed, but said weigher may make a proper deduction as shall be agreed on by him and the seller or his agent, for water, dirt or other such foreign substance in or on such bag, bale or package of cotton, or for other just cause. Any person violating this section shall be fined three hundred dollars for every offence.

Sec. 3057. Weigher's oath filed with register; penalty. 1874-'5, c. 58, s. 2.

Every public weigher of cotton shall, before entering on the duties of his office, make and subscribe the following oath before some person entitled to administer it, viz.:

"I, , public weigher for the city of (or as the case may be), do solemnly swear that I will justly, impartially and without any deduction except as may be allowed by law, weigh all cotton that may be brought to me for that purpose, and tender a true account thereof to the parties concerned, if required so to do; so help me God."

Such oath when made shall be filed in the office of the register of deeds for the county in which the person acts as weigher, and said register shall make a note of the same, and any person acting as weigher without making and filing the above or some equivalent oath, shall be

guilty of a misdemeanor, and fined twenty-five dollars for every bag, bale or package of cotton weighed.

Sec. 3058. Cotton sold in Wilmington to be weighed. 1856-'7, c. 41, s. 1.

All cotton sold in the town of Wilmington shall be weighed, under the penalty of one hundred dollars for any bale sold without being weighed by the proper officer.

Sec. 3059. Who to weigh. 1856-'7, c. 41, s. 2.

Cotton shall be weighed by the inspectors of flour and provisions, who have been, or who may be, from time to time, appointed by the board of county commissioners of New Hanover.

Sec. 3060. Board of county commissioners to fix the fee. 1856-'7, c. 41, s. 3.

The board of county commissioners of said county shall, from time to time, fix the fee, not to exceed ten cents per bale, for the weighing of the aforesaid articles, and until said board shall determine said fee, the inspector shall be entitled to receive the following fee, viz.: for every bale of cotton weighed, ten cents.

CHAPTER TWENTY-NINE.

INSURANCE.

SECTION.	SECTION.
3061. Unlawful to contract or solicit insurance with resident of state without a license; contracts entered into otherwise than provided in this chapter not enforceable in state courts.	tion to be filed by general agent on or before March first.
3062. Secretary of state to issue licenses; conditions.	3065. Statement of gross receipts to be filed in January and July; tax to be paid to secretary of state.
3063. Chapter not to extend to masonic, odd fellows, or other benevolent associations.	3066. Secretary of state to examine annual statements; to publish abstracts.
3064. Statement of financial condi-	3067. When secretary of state to revoke and cancel licenses.
	3068. Books, &c., subject to examin-

SECTION.	SECTION.
	3073. Proceeding by company to withdraw deposit.
3069. Secretary of state to keep reports on file; to certify abstracts of statements, &c., to clerks of superior courts; clerks to file them.	3074. License fee; duration.
3070. Secretary of state to furnish auditor on the first of the month statement of taxes, &c., received.	3075. General agents making deposit; fee.
3071. Judgment against fire insurance company, how enforceable against deposit with treasurer.	3076. Unlawful to limit time within which suit may be brought against company to less than one year.
3072. Chapter applicable to judgments which have been obtained against fire insurance companies.	3077. Insurance agent guilty of felony, when.
	3078. Forfeiture to secretary of state for violation of this chapter, how recoverable.
	3079. General agent failing or refusing to perform duties prescribed; penalty.

Sec. 3061. Unlawful to contract or solicit insurance with resident of state without a license; contracts entered into otherwise than provided in this chapter not enforceable in state courts. 1883, c. 57, s. 1.

No person, whether natural or corporate, either as principal or as agent, shall do, or contract for, or solicit any insurance business with any resident of this state unless such insurance business shall have been licensed, as provided in this chapter, and no contract for any such insurance business entered into otherwise than as this chapter permits, shall be enforceable in any of the courts of this state.

Sec. 3062. Secretary of state to issue licenses; conditions. 1883, c. 57, s. 2.

The secretary of state may issue licenses to do insurance business, but before the issue of any license the applicant therefor shall:

(1) Appoint a general agent, who shall be a citizen and a resident of this state, and file a certificate of such appointment, under the seal of the applicant, together with the written acceptance thereof by such appointee with the secretary of state, and copies of such certificate of appointment and of such acceptance, certified by the said secretary, shall be received as sufficient evidence of such appointment and acceptance before any court in this state, and such certificate shall contain a stipulation agreeing

that so long as there may be any liability on the part of the applicant, under any contract entered into in pursuance of any law concerning insurance, any legal process affecting the applicant may be served in his absence upon such general agent, or upon the secretary of state, and when so served, shall have the same effect as if served personally on such applicant in this state: *Provided*, when such service is made upon the secretary of state, it shall be his duty to transmit at once a copy of the process to the home office of the company.

(2) File in the office of the secretary of state in such form and in such detail as he shall prescribe, a statement of the business standing and financial condition of the applicant on the preceding thirty-first day of December, signed and sworn to by said principal, or by the chief managing agent or officer thereof, before the secretary of state, or before a commissioner of affidavits for North Carolina, or before some notary public.

(3) File in the office of the secretary of state a statement under seal, from the state treasurer, showing that the applicant, if desirous to do a fire insurance business, has deposited with him ten thousand dollars in United States bonds, or in North Carolina four per cent. coupon bonds. And it shall be unlawful for any person to transact any fire insurance business, or receive any premium upon risk against loss by fire before making such deposit: *Provided*, this section shall not apply to persons that invest all their assets in this state: *Provided further*, this chapter shall not be construed so as to deprive any person making such deposit of bonds from using the coupons on such bonds while they are so deposited.

(4) File in the office of the secretary of state a copy of the charter, articles of association, or other statement, showing the mode in which the applicant proposes to do business.

(5) Pay the license and other fees required by this chapter.

Sec. 3063. This chapter not to extend to Masonic, Odd Fellows, or other benevolent associations. 1883, c. 57, s. 3.

Nothing in this chapter shall be construed to extend to the masonic or odd fellows' association, or to the royal arcanum, knights of pythias, or knights of honor, or other benevolent associations that only levy an assessment upon their members to create a fund to pay to the family of a deceased member and make no profit there-

from, and that have been incorporated under the laws of this state.

Sec. 3064. Statement of financial condition to be filed by general agent on or before March first. 1883, c. 57, s. 4.

Every general agent shall file in the office of the secretary of state, on or before the first day of March in each year, in such form and in such detail as the secretary shall prescribe, a statement showing the business standing and financial condition of his principal, on the preceding thirty-first day of December, signed and sworn to by said principal, or the chief managing agent, or officer thereof, before the secretary of state, or before a commissioner of affidavits for North Carolina, or before some notary public.

Sec. 3065. Statement of gross receipts to be filed in January and July; tax to be paid to secretary of state. 1883, c. 57, s. 5.

Every general agent shall, within the months of January and July of each year, make a full and correct statement, under oath, of the amount of the gross receipts derived from insurance business, obtained from residents of this state during the preceding six months, and shall, within the first fifteen days of February and August of each year, pay to the secretary of state a tax of two per cent. upon the amount of such gross receipts therein returned: *Provided*, if any general agent shall exhibit to the secretary of state a sworn statement of investments in real property in this state by his principal, or a like statement of loans, secured by mortgage to citizens of this state, of an amount equal to one-half of such gross receipts, the tax shall be only one per cent. thereon: *Provided further*, no county or corporation shall be allowed to add any additional tax, license or other fee.

Sec. 3066. Secretary of state to examine annual statements; to publish abstracts. 1883, c. 57, s. 6.

It shall be the duty of the secretary of state to receive and thoroughly examine each annual statement required by this chapter, and if made in compliance with the laws of North Carolina, to publish an abstract of the same in one of the newspapers of the state, to be selected by the general agent making such statement and at the expense of his principal.

Sec. 3067. When secretary of state to revoke and cancel license. 1883, c. 57, s. 7.

If the secretary of state shall become satisfied at any time that any statements, made by any person licensed under this chapter, shall be untrue, or in case a general agent shall fail or refuse to obey the provisions of this chapter, the secretary of state shall have power to revoke and cancel such license.

Sec. 3068. Books, &c., subject to examination of secretary of state upon demand; misdemeanor. 1883, c. 57, s. 8.

It shall be the duty of any person having in his possession or control any books, accounts or papers of any person licensed under this chapter, to exhibit the same to the secretary of state on demand, and on refusing so to do, or knowingly or wilfully making any false statement in regard to the same, such person shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court.

Sec. 3069. Secretary of state to keep reports on file; to certify abstracts of statements, &c., to clerks of superior court; clerks to file them. 1883, c. 57, s. 9.

The secretary of state shall keep on file in his office, for the inspection of the public, all the reports received by him in obedience to this chapter, and shall certify to the clerk of the superior court of each county, under the seal of his office, an abstract of each annual statement at the expense of the person making the same, and he shall also certify, at like expense, to said clerks on the first day of each month, a list of the licenses in force at such dates, and of those that have expired without renewal, or that have been revoked during the preceding year; and the said certified abstracts, and certified lists, each clerk, as aforesaid, shall file in stub-books kept for the purpose, furnished by the secretary of state, which books shall be open to the inspection of the public: *Provided*, there shall be no tax for any seal required by this section.

Sec. 3070. Secretary of state to furnish auditor on the first day of each month statement of taxes, &c., received. 1883, c. 57, s. 10.

The secretary of state shall furnish to the auditor, on the first of each month, a statement in detail of the taxes and license fees received by him under this chapter during the previous month, and shall pay to the treasurer the amount in full of such taxes and license fees.

Sec. 3071. Judgment against fire insurance company, how enforceable against deposit with treasurer. 1883, c. 57, s. 11.

Upon the failure of any person licensed to do fire insurance business under this chapter to satisfy and pay any final judgment recovered by any citizen of this state upon any policy of fire insurance issued in this state, within ninety days after the rendition of such final judgment, then, upon the filing with the state treasurer of a transcript of such judgment, he shall raise upon such securities deposited by such defendant, by sale or otherwise, a sufficient sum to discharge such judgment, interest and costs, which he shall so apply; and he shall thereupon notify such defendant of the amount by which its deposits have been so reduced, and thereafter it shall not be lawful for such person to transact any other fire insurance business in this state, until it shall have increased its deposits to the required sum.

Sec. 3072. Chapter applicable to judgments which have been obtained against fire insurance companies. 1883, c. 57, s. 12.

This chapter shall apply to fire insurance companies and their deposits against which final judgments have been obtained in any of the courts of this state.

Sec. 3073. Proceeding by company to withdraw deposit. 1883, c. 57, s. 13.

Whenever any insurance company that has deposited bonds or other securities with the treasurer, as required by this chapter, desires to retire from business in this state and withdraw its bonds or other securities deposited as aforesaid, then,

(1) It may file the affidavit of its president, managing agent, or other chief officer with the secretary of state, to the effect that it has no policies outstanding, nor has any losses unpaid in this state, and thereupon the secretary of state shall give an order for such company, its agents or assigns, upon the treasurer for the delivery of such bonds or other securities, and the said bonds or other securities shall be delivered to said company or its assigns: *Provided*, if the secretary of state has good reason for believing such affidavit is untrue, he shall cause a satisfactory investigation to be made, the cost of which shall be payable by said company, and be a lien upon the bonds in the hands of the treasurer.

(2) Such company so desiring to withdraw its bonds

may file with the secretary of state a duly executed contract of re-insurance, whereby some other insurance company in good standing, doing business in this state, shall undertake to pay all losses on policies heretofore issued by the company so retiring; whereupon the secretary of state shall give an order on the treasurer as above required for the bonds or other securities of the retiring company as aforesaid: *Provided*, such company so making the re-insurance, shall have on deposit, with the treasurer, bonds or other securities of equal value with those sought to be withdrawn: *Provided further*, the policy holders in said company, resident in this state, shall assent in writing to the transfer of their policies to the company so making the re-insurance, and the secretary of state shall be entitled to twenty-five dollars, to be paid by said company, for his services in performing any duty imposed upon him by this section.

Sec. 3074. License fee; duration. 1883, c. 57, s. 14.

The fee for license as required by this chapter shall be one hundred and twenty dollars per annum, and the license shall continue for the next ensuing twelve months after the first day of April in each year: *Provided*, the secretary of state may receive from applicants after the first day of April so much of said license fee as may be due *pro rata* for the remainder of the year.

Sec. 3075. General agents making deposit; fee. 1883, c. 57, s. 15.

Every general agent making deposits under this chapter shall, on doing so, pay to the state treasurer a fee of ten dollars, and the like sum whenever any additional deposits shall be made with him as above provided.

Sec. 3076. Unlawful to limit time within which suit may be brought against company to less than one year. 1883, c. 57, s. 16.

No person licensed to do insurance business under this chapter shall limit the term within which any suit shall be brought against such person to a period less than one year from the time when the loss insured against shall accrue.

Sec. 3077. Insurance agent guilty of felony, when. 1883, c. 57, s. 17.

Any insurance agent doing business in this state, who shall unlawfully withhold or expend the funds of his

principal, shall, upon conviction thereof, be guilty of felony.

Sec. 3078. Forfeiture to secretary of state for violation of this chapter, how recoverable. 1883, c. 57, s. 18.

Every person who, either as principal or agent, shall solicit, examine or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, or shall receive, collect or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than as this chapter permits, shall forfeit and pay to the secretary of state fifty dollars for every such violation, to be recovered before any justice of the peace at the suit of said secretary.

Sec. 3079. General agent failing or refusing to perform duties prescribed; penalty. 1883, c. 57, s. 19.

Every general agent who shall fail or refuse to perform any duty required of him by this chapter, shall forfeit and pay to the secretary of state fifty dollars for every such refusal, to be recovered before any justice of the peace at the suit of said secretary.

CHAPTER THIRTY.

LIGHT-HOUSES.

SECTION.

3080. United States may purchase lands to erect light-houses and life-saving stations, &c.; proviso.
3081. Deed to be registered.
3082. Exemption from taxation.
3083. Officers of the state may execute process on such lands.
3084. Conditions of consent; proviso.

SECTION.

3085. Unlawful to moor vessel to buoy, &c., or to damage, &c.; misdemeanor.
3086. Unlawful for vessel to anchor in range line of lights, &c.; misdemeanor.
3087. Due diligence to be exercised in passing buoys, &c.; misdemeanor.

Sec. 3080. United States may purchase lands to erect light-houses; proviso. 1870-'1, c. 44, s. 1. 1872-'3, c. 201.

It shall be lawful for the government of the United

States, or any person under authority of the same, to purchase any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate within the boundaries or limits of this state, and hold the same for the purpose of erecting thereon light-houses, light-keepers' dwellings, life saving stations, buoys and coal depots, and buildings connected therewith: *Provided*, no one tract, piece or parcel shall contain more than twenty acres.

**Sec. 3081. Deed to be registered. 1870-'1, c. 44, s. 2.
1872-'3, c. 201.**

All deeds, conveyances or other title papers for the same shall be recorded, as in other cases, in the office of the register of deeds of the county in which the lands so conveyed may lie, in the same manner and under the same regulations as other deeds and conveyances are now recorded, and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tract or tracts, or legal division of any public land belonging to the United States, which may be set apart by the general government for the purpose before mentioned, by an order, patent or other official document or papers so describing such land.

**Sec. 3082. Exemption from taxation. 1870-'1, c. 44,
s. 3.**

The lots, parcels or tracts of land so selected, together with the tenements and appurtenances for the purpose before mentioned, shall be exempt from taxation.

**Sec. 3083. Officers of the state may execute process on
such lands. 1870-'1, c. 44, s. 4.**

Nothing herein shall be so construed as to debar or hinder any of the officers of this state from executing any process, or levying any execution within the limits of any tract or parcel of land so held and purchased by the government of the United States in the same manner as if this chapter had never been passed.

**Sec. 3084. Conditions of consent; proviso. 1870-'1, c.
44, s. 5.**

The consent hereby given is in consideration of the United States building light-houses, light-house keepers' dwellings, life-saving stations, buoys, coal depots, and other buildings connected therewith, on the tracts or parcels of land so purchased, or that may be purchased;

Provided, the title to said land so conveyed to the United States shall escheat to the state unless the construction of the aforementioned buildings be completed thereon within ten years from the date of the conveyance from said grantor.

Sec. 3085. Unlawful to moor vessel to buoy, &c., or to damage, &c.; misdemeanor. 1858-'9, c. 58, ss. 2, 3. 1883, c. 165, s. 1.

Any person who shall moor any vessel of any kind or name whatsoever, or any raft or any part of a raft, to any buoy, beacon or day mark, placed in the waters of North Carolina by the authority of the United States light house board, or shall in any manner hang on with any vessel or raft, or part of a raft, to any such buoy, beacon or day mark, or shall wilfully remove, damage or destroy any such buoy, beacon or day mark, or shall cut down, remove, damage or destroy any beacon erected on land in this State by the authority of the said United States light house board, or through unavoidable accident run down, drag from its position or in any way injure any buoy, beacon or day mark, as aforesaid, and shall fail to give notice as soon as practicable of having done so, to the light house inspector of the district in which said buoy, beacon or day mark may be located, or to the collector of the port, or, if in charge of a pilot, to the collector of the port from which he comes, shall for every such offence be guilty of a misdemeanor and punished by a fine not to exceed two hundred dollars or imprisoned not to exceed three months, or both, at the discretion of the court.

Sec. 3086. Unlawful for vessel to anchor in range line of lights, &c.; misdemeanor. 1883, c. 165, s. 2.

It shall be unlawful for any vessel to anchor on the range line of any range of lights established by the United States light house board, unless such anchorage is unavoidable, and the master of any vessel so anchoring shall be guilty of a misdemeanor, and punished by a fine not to exceed fifty dollars.

Sec. 3087. Due diligence to be exercised in passing buoys, &c.; misdemeanor. 1883, c. 165, s. 3.

Any person having charge of any raft passing any buoy, beacon or day mark, who shall not exercise due diligence in keeping clear of it, or if unavoidably fouling it, shall not exercise due diligence in clearing it, without

dragging from its position such buoy, beacon or day mark, shall be guilty of a misdemeanor, and punished by fine not to exceed fifty dollars.

CHAPTER THIRTY-ONE.

LIMITED PARTNERSHIPS.

SECTION.

- 3088. Limited partnerships may be formed.
- 3089. General may unite with special partners, and who are special partners.
- 3090. Certificate to be signed; what it must show.
- 3091. Certificate must be acknowledged and registered.
- 3092. When to be registered.
- 3093. Oaths to be made of the sums contributed.
- 3094. Certificate and affidavit essential.
- 3095. Effect of false statement.
- 3096. The terms of partnership must be published.
- 3097. Affidavits of publication to be filed.

SECTION.

- 3098. Renewals and continuances must be certified.
- 3099. Alterations in names, &c., work a dissolution.
- 3100. Name of firm, what to be.
- 3101. Actions, how to be conducted.
- 3102. Special stock not to be withdrawn.
- 3103. When special stock to be returned.
- 3104. Special partner may examine into business.
- 3105. Partners liable to account with each other.
- 3106. Effect of fraud by partner.
- 3107. Effect of bankruptcy.
- 3108. How partnership to be dissolved.
- 3109. Clerk's and register's fees.

Sec. 3088. Limited partnerships may be formed. 1860-'1, c. 28, s. 1.

Limited partnerships for the transaction of any mercantile, manufacturing or mechanical business within the state may be formed by two or more persons, upon the terms and with the rights and powers and subject to the conditions and liabilities in this chapter; but its provisions shall not be construed to authorize any such partnership for the conducting of a banking or insurance business.

Sec. 3089. General may unite with special partners, and who are special partners. 1860-'1, c. 28, s. 2.

Such partnerships may consist of one or more persons,

who are general partners, and are jointly and severally responsible as partners are now by law, and of one or more persons, who contribute in actual cash payments a specific sum as capital to the common stock, who are called special partners, and who are not liable for the debts of the partnership beyond the funds so contributed to the capital.

Sec. 3090. Certificate to be signed; what it must show. 1860-'1, c. 28, s. 3.

The persons desirous of forming such partnership must make and severally sign a certificate containing: first, the name or firm under which such partnership is to be conducted; second, the general nature of the business to be transacted; third, the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence; fourth the amount of capital which each special partner has contributed to the common stock; fifth, the period at which such partnership is to commence and terminate.

Sec. 3091. Certificate must be acknowledged and registered. 1860-'1, c. 28, s. 4.

The certificate must be acknowledged by the several persons signing the same before a judge of the supreme or superior court, or before the clerk of the superior court of the county in which the principal place of business of such partnership is situated; and the said judge or clerk shall indorse said acknowledgment, and order the certificate to be registered.

Sec. 3092. When to be registered. 1860-'1, c. 28, s. 5.

The certificate and acknowledgment and order for registration must be registered in the county in which the principal place of business of such partnership is situated. If the partnership has places of business in different counties, a transcript of the certificate and acknowledgment certified by the register must be registered and filed in the register's office of each of such counties.

Sec. 3093. Oaths to be made of the sums contributed. 1860-'1, c. 28, s. 6.

At the time of the acknowledgment of the certificate, an affidavit of one or more of the general partners shall be made on oath before the judge or clerk taking such acknowledgment, stating that the sums specified in the

certificate to have been contributed by each of the special partners to the common stock have been actually in good faith paid in cash, and the said affidavit so made shall be registered with the original certificate.

Sec. 3094. Certificate and affidavit essential. 1860-'1, c. 28, s. 7.

No such partnership shall be deemed to have been formed until such certificate and affidavit have been made, acknowledged and registered as required in the preceding section.

Sec. 3095. Effect of false statement. 1860-'1, c. 28, s. 8.

If any false statement is made in such certificate or affidavit, all the persons interested in such partnership shall be liable as general partners.

Sec. 3096. The terms of partnership must be published. 1860-'1, c. 28, s. 9.

The terms of the partnership must be published immediately after its formation for six successive weeks, in at least one newspaper in the same county or near the place of said partnership business, and if such publication be not made, the partnership shall be deemed general.

Sec. 3097. Affidavits of publication to be filed. 1860-'1, c. 28, s. 10.

Affidavits of such publication made by the proprietor of such newspaper in which the same is published, may be filed with the clerk of the superior court of the county in which such business is conducted, and shall be evidence of the fact.

Sec. 3098. Renewals and continuances must be certified. 1860-'1, c. 28, s. 11.

Every renewal or continuance of such partnership beyond the time originally fixed for its duration must be certified, acknowledged and registered, and an affidavit of a general partner made and filed, and notice given by publication as required for its original formation, and every such partnership which is otherwise continued must be deemed a general partnership: *Provided*, the affidavit herein required may state that the amount of cash therein specified had been originally paid in good faith, and that it is represented by goods or merchandise then on hand, and has not been impaired in the course of trade.

Sec. 3099. Alterations in names, &c., work a dissolution. 1860-'1, c. 28, s. 12.

Every alteration which is made in the names of the partners, in the nature of the business, in the capital or shares thereof or in any other matter specified in the original certificate, must be deemed a dissolution of the partnership; and any such partnership which is in any manner carried on after such alteration has been made must be deemed a general partnership, unless renewed as a special partnership, according to the preceding sections.

Sec. 3100. Name of firm, what to be. 1860-'1, c. 28, s. 13.

The business of the partnership must be conducted under a firm, in which the names of the general partners only are inserted, without the addition of the word "company" or any other general term; and if the name of any special partner is used in the firm with his privity, he shall be deemed a general partner.

Sec. 3101. Actions, how to be conducted. 1860-'1, c. 28, s. 14.

Suits in relation to the business of the partnership may be brought and conducted by and against the general partner in the same manner as if there was no special partner.

Sec. 3102. Special stock not to be withdrawn. 1860-'1, c. 28, s. 15.

No part of the sum which any special partner has contributed to the capital stock must be withdrawn or paid by him in the shape of dividends, profits or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest does not reduce the original amount of such capital; and if, after the payment of such interest, any profits remain to be divided, he may receive his portion of such profits.

Sec. 3103. When special stock to be returned. 1860-'1, c. 28, s. 16.

If it appears by the payment of interest or profits to any special partner that the original capital has been reduced, the partner receiving the same is bound to restore the amount necessary to make good his share of the capital without interest.

Sec. 3104. Special partner may examine into business. 1860-'1, c. 28, s. 17.

A special partner may, from time to time, examine into the state and progress of the partnership concerns; may advise as to their management and act as attorney at law, but must not transact any other of the partnership business, nor be employed for that purpose as agent or otherwise; and if he interfere contrary to this section he is deemed a general partner.

Sec. 3105. Partners liable to account with each other. 1860-'1, c. 28, s. 18.

The general partners are liable to account to each other, and to the special partners for their management of the partnership, as other partners.

Sec. 3106. Effect of fraud by partner. 1860-'1, c. 28, s. 19.

Any partner who is guilty of any fraud in the affairs of the partnership is liable to the party injured to the extent of the damage, and shall be guilty of a misdemeanor.

Sec. 3107. Effect of bankruptcy. 1860-'1, c. 28, s. 20.

In case of the bankruptcy or insolvency of the partnership, no special partner, under any circumstances, is to be allowed to claim as a creditor until the claims of all the other creditors of the partnership are satisfied.

Sec. 3108. How partnership to be dissolved. 1860-'1, c. 28, s. 21.

No dissolution of such partnership by the acts of the parties must take place before the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of its dissolution has been recorded in the register's office in which the original certificate was recorded, and published once a week for four successive weeks in the nearest newspaper to each of the places where the partnership transacts its business.

Sec. 3109. Clerks' and registers' fees. 1860-'1, c. 28, s. 22.

The clerk of the superior court and register of deeds shall be entitled to the following fees for services rendered under this chapter: For each acknowledgment and probate the clerk shall be allowed fifty cents; for recording the original certificates and acknowledgments and each

transcript of the same, the register shall be allowed one dollar; for recording each affidavit, twenty-five cents; making out transcripts and certifying the same, fifty cents; and the same fees on the renewal or continuance of the partnership.

CHAPTER THIRTY-TWO.

LOCAL OPTION, LIQUORS AND WINE.

SECTION.	SECTION.
3110. The manufacture of domestic wines encouraged.	on the first Monday in May of any year.
3111. Local prohibitory laws, or acts repealing such laws, not to be passed without notice.	3114. Rules for holding the election.
3112. The question of prohibition in certain localities to be decided by a vote of the people.	3115. All qualified electors entitled to vote; form of ballots.
3113. Elections may be held on the question of the sale of liquors	3116. The effect of the election, if in favor of prohibition.
	3117. The effect of a county election in favor of license.
	3118. Duty of board of county commissioners.

Sec. 3110. The manufacture of domestic wines encouraged. 1874-'5, c. 208.

All wines made from grapes, blackberries, currants, gooseberries, raspberries and strawberries, manufactured in this state from fruit raised in the state, may be sold in bottles corked or sealed up, and not to be drunk on the premises, in any quantity whether greater or less than one quart: *Provided*, nothing herein shall authorize any person to sell any of the said wines to any person who is a minor; but this section shall not apply to wines which contain any foreign admixture of spirituous liquors, and shall only apply to such wines as derive their ardent spirit from vinous fermentation.

Sec. 3111. Local prohibitory laws, or acts repealing such laws, not to be passed without notice. 1874-'5, c. 158, s. 1.

Notice of all applications to the general assembly to prohibit the sale of spirituous liquors, or to repeal any law prohibiting the sale of spirituous liquors, within the

limits specified, shall be posted at four public places within the specified limits for at least thirty days before said application or petition shall be forwarded to the general assembly, and evidence that notice has been posted as required shall accompany the petition.

Sec. 3112. The question of prohibition in certain localities to be decided by a vote of the people. 1874-'5, c. 158, s. 2.

In all cases where prohibition is asked for a greater distance from a common centre than two miles, the question shall be decided by the qualified voters of the interested district at an election held according to this chapter.

State v. Joyner, 81—534; State v. Midgett, 85—538.

Sec. 3113. Election may be held on the question of the sale of liquors on the first Monday in May of any year. 1873-'4, c. 138, s. 1. 1874-'5, c. 95. 1876-'7, c. 221.

It shall be the duty of the board of commissioners of any county, upon petition of one-fourth of the qualified voters of any county, town or township, in their respective counties, to order an election to be held on the first Monday in May in any year, to ascertain whether or not spirituous liquors may be sold in said county, town or township.

Sec. 3114. Rules for holding the election. 1873-'4, c. 138, s. 2.

Such county, town or township election, when so ordered, shall be held, and returns made, under the same rules and regulations as prescribed for holding elections for members of the general assembly so far as the same may be applicable, except as herein modified.

Sec. 3115. All qualified electors entitled to vote; form of ballots. 1873-'4, c. 138, s. 3.

Any person allowed to vote for members of the general assembly shall have the right to vote at such elections at the place where he is allowed to vote, and every such voter who favors the prohibition of the sale of spirituous liquors in the county, town or township, as the case may be, shall vote a ticket on which shall be written or printed the word "Prohibition," and every such voter who favors such sale shall vote a ticket on which shall be written or printed the word "License."

Sec. 3116. The effect of the election if in favor of prohibition. 1873-'4, c. 138, s. 5. 1876-'7, c. 221, s. 2. 1881, c. 359.

If a majority of the votes cast at any such election in any county, town or township, shall have written on them the word "Prohibition," then and in that case it shall not be lawful for the board of commissioners to license the sale of spirituous liquors, or for any person to sell any spirituous liquors, within such county, town or township, until another election be held reversing said election, and if any person shall sell any spirituous liquor within such county, town or township, such person offending shall be guilty of a misdemeanor; but if a majority of the votes so cast shall have written or printed on them the word "License," then spirituous liquors may be sold in such county, town or township, as provided by law, and not otherwise: *Provided*, nothing herein shall affect localities in which the sale of spirituous liquors are prohibited by law.

State v. Poteet, 86—612.

Sec. 3117. The effect on a county election in favor of license. 1881, c. 262, s. 3.

Should a majority of the votes cast in a county election be in favor of "License," the result shall not operate to permit the sale of spirituous or malt liquors in any township, city or town, where the sale of such liquors is prohibited by law, unless in such county election such city, town or township, shall have cast a majority of votes in favor of "license."

Sec. 3118. Duty of county commissioners.

Whenever any county, township, city or town shall vote in favor of "license," the board of commissioners of the county shall grant licenses for the sale of spirituous liquors to all proper persons applying for the same according to law.

CHAPTER THIRTY-THREE.

MASTER AND SERVANT.

SECTION.

3119. Persons enticing servant from employer may be sued.

SECTION.

3120. Additional penalty.

Sec. 3119. Persons enticing servant from employer may be sued. 1866, c. 58. 1881, c. 303.

If any person shall entice, persuade and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or, if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master or employer, any servant who shall unlawfully leave the service of such master or employer; then, in either case, such person and servant may be sued, singly or jointly, by the master, and, on recovery, he shall have judgment for the actual double value of the damages assessed.

Haskins v. Royster, 70—601; State v. Rice, 76—194.

Sec. 3120. Additional penalty. 1866-'7, c. 124.

In addition to the remedy given in the preceding section against the person and servant violating the preceding section, such person and servant shall also pay a penalty of one hundred dollars to any person suing for the same, singly or jointly, one-half to his use and the other to the use of the poor of the county where suit is brought, and the offender shall be guilty of a misdemeanor and fined not exceeding one hundred dollars or imprisoned not exceeding six months.

CHAPTER THIRTY-FOUR.

MEDICAL SOCIETY—PHARMACEUTICAL ASSOCIATION—DENTISTRY.

MEDICAL SOCIETY.

SECTION.

3121. Medical society of the state a body politic.
 3122. Who may practice.
 3123. Board of physicians to consist of seven.
 3124. Duty of the board.
 3125. Temporary license.
 3126. How appointed.
 3127. Where and when to assemble.

SECTION.

3128. Officers, &c.
 3129. The board of examiners to keep a record.
 3130. License.
 3131. The board; their compensation.
 3132. Practicing without license.
 3133. May rescind license.
 3134. Secretary.

PHARMACEUTICAL ASSOCIATION.

SECTION

3135. A body politic; its name and corporate powers.
 3136. Objects of incorporation.
 3137. Unlawful for person other than registered pharmacist to conduct pharmacy, &c.; proviso.
 3138. Qualifications for membership.
 3139. Qualifications for membership on account of practical experience, &c.; proviso; licenses in pharmacy.
 3140. Board of pharmacy; its duties, oath of members, examination fee; officers, their terms of office, vacancies and meetings; quorum and examinations.
 3141. Secretary, his duties; fee for registration, his salary; compensation of members of board; duty of board to investigate complaints, &c.; rules, &c.
 3142. Responsibility for quality of

SECTION.

- drugs, &c., sold or dispensed; misdemeanor intentionally to adulterate, &c.; penalty; fee for renewal of certificate of registration; misdemeanor.
 3143. Unlawful to retail certain poisons without label; poison not to be sold, unless purchaser knows its poisonous nature, &c.; entry to be made in book; exception.
 3144. Business of practitioner who does not keep open shop, &c., not interfered with.
 3145. Misdemeanor to permit compounding of medicines by person not registered, &c.; penalty.
 3146. Board of pharmacy, how appointed; term of office; vacancies.
 3147. Penalties, how recovered.

DENTISTRY.

SECTION.	SECTION.
3148. Who entitled to commence the practice of dentistry.	3153. Quorum.
3149. Board of examiners, vacancies.	3154. Misdemeanor to practice dentistry without obtaining certificate, &c.; provisos.
3150. Meetings of the board.	3155. Fines appropriated to school fund.
3151. Board to grant certificates, &c.; proviso.	3156. Chapter not to apply to persons now practicing dentistry.
3152. Board to keep record of persons to whom certificates granted; evidence.	

MEDICAL SOCIETY.

Sec. 3121. Medical society of the state a body politic.
Private Laws, 1858-'9, c. 258, s. 1.

The association of regularly graduated physicians, calling themselves "The State Medical Society," is hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Medical Society of the State of North Carolina."

Sec. 3122. Who may practice. 1858-'9, c. 258, s. 2.

No person shall practice medicine or surgery, nor any of the branches thereof, nor in any case prescribe for the cure of diseases for fee or reward, unless he shall have been first licensed so to do in the manner hereinafter provided: *Provided*, no person who shall practice in violation of this chapter shall be guilty of a misdemeanor.

Sec. 3123. Board of physicians to consist of seven. 1858-'9, c. 258, ss. 3, 4.

In order to the proper regulation of the practice of medicine and surgery, there shall be established a board of regularly graduated physicians, to be known by the title of "The Board of Medical Examiners of the State of North Carolina," which shall consist of seven regularly graduated physicians.

Sec. 3124. Duty of board. 1858-'9, c. 258, s. 5.

It shall be the duty of the said board to examine all applicants for license to practice medicine or surgery, or any of the branches thereof, on the following branches of medical science: anatomy, physiology, surgery, pathology, medical hygiene, chemistry, pharmacy, materia medica, therapeutics, obstetrics and the practice of med-

icine, and if on such examination they be found competent, to grant to each applicant a license or diploma, authorizing him to practice medicine and surgery, or any of the branches thereof: *Provided*, five members of the board shall constitute a quorum and four of those present shall be agreed as to the qualification of the applicant.

Sec. 3125. Temporary license. 1858-'9, c. 258, s. 7.

To prevent delay and inconvenience, two members of the board of medical examiners may grant a temporary license to any applicant and make report thereof to the next regular meeting of the board for confirmation: *Provided*, such temporary license shall not continue in force longer than the next regular meeting of the board, and such temporary license shall in no case be granted after the applicant has been refused a license by the board of medical examiners.

Sec. 3126. How appointed. 1858-'9, c. 258, s. 9.

The Medical Society shall have power to appoint the board of medical examiners.

Sec. 3127. Where and when to assemble. 1870-'1, c.—, s. 11.

The board of medical examiners shall assemble at the same time and places, when and where the medical society assembles, which society shall assemble at least once in every year at such time and place as the said society, at its next preceding meeting, shall have fixed; and the said board shall remain in session from day to day until all applicants who may present themselves for examination within the first five days after its meeting shall have been examined and disposed of.

Sec. 3128. Officers, &c. 1858-'9, c. 258, s. 11.

The board of medical examiners are authorized to elect all such officers, and to frame all such by-laws as may be necessary, and in the event of any vacancy by death, resignation or otherwise, of any member of said board, the board, or a quorum thereof, is empowered to fill such vacancy.

Sec. 3129. The board of examiners to keep a record. 1858-'9, c. 258, s. 12.

The board of examiners shall keep a regular record of its proceedings in a book kept for that purpose, which

shall always be open for inspection, and shall cause to be entered on a book kept for the purpose the name of each applicant for license, and the name of each applicant licensed to practice medicine and surgery, and the time of granting the same, together with the names of the members of the board present, and shall publish the names of those licensed in two of the newspapers published in the city of Raleigh, within thirty days after the granting of the same.

Sec. 3130. License. 1858-'9, c. 258, s. 13.

The board shall have power to demand of every applicant thus licensed the sum of ten dollars before issuing a license or diploma, and the sum of five dollars for each temporary license, to be paid to the secretary of the board.

Sec. 3131. The board; their compensation. 1870-'1, c. —, s. 14.

The members of the said board shall each receive as a compensation for their services four dollars per day during the time of their session and in addition thereto their traveling expenses to and from their places of meeting by the most direct route from their respective places of residence, to be paid by the secretary of the board out any moneys in his hands, upon the certificate of the president of the board of medical examiners.

Sec. 3132. Practicing without license. 1858-'9, c. 258, s. 15.

Any person who shall practice medicine or surgery without having first applied for and obtained license from the said board of examiners, shall not be entitled to sue for or recover before any court any medical bill for services rendered in the practice of medicine or surgery or any of the branches thereof.

Sec. 3133. May rescind license. 1858-'9, c. 258, s. 16.

The said board shall have the power to rescind any license granted by them when upon satisfactory proof it shall appear that any physician thus licensed has been guilty of grossly immoral conduct.

Sec. 3134. Secretary. 1858-'9, c. 258, s. 17.

The secretary of the board of medical examiners shall give bond with good surety, to the president of the board,

for the safe-keeping and proper payment of all moneys that may come into his hands.

PHARMACEUTICAL ASSOCIATION.

Sec. 3135. A body politic, its name and corporate powers. 1881, c. 355, s. 1.

E. M. Nadal, S. J. Hinsdale, Wm. Simpson, E. H. Meadows, T. C. Smith, John S. Pescud, and such other persons as may be associated with them under this chapter, are made a body corporate under the name and style of the North Carolina Pharmaceutical Association, and by said name shall have the right to sue and be sued, to plead and be impleaded, to purchase and hold real estate and grant the same, to have and to use a common seal, and to do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the constitution and laws of the state.

Sec. 3136. Object of incorporation. 1881, c. 355, s. 2.

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

Sec. 3137. Unlawful for person other than registered pharmacist to conduct pharmacy, &c.; proviso. 1881, c. 355, s. 3.

No person, unless a registered pharmacist within the meaning of this chapter, except as hereinafter provided, shall open or conduct any pharmacy or store for retailing, dispensing, or compounding medicines or poisons, nor shall any one not a registered pharmacist prepare physicians' prescriptions, except under the supervision of a registered pharmacist: *Provided*, nothing herein shall prevent the sale of patent or proprietary medicines, quinine, epsom salts, castor oil, essence of peppermint, paregoric, laudanum in original package, calomel, camphor, or sweet oil.

Sec. 3138. Qualifications for membership. 1881, c. 355, s. 4.

Any person, in order to be registered, shall be a graduate of some college in pharmacy, recognized by the North

Carolina Pharmaceutical Association, or shall have had three years' practical experience in the preparation of physicians' prescriptions, and in compounding and vending medicines and poisons, or shall be a licentiate of pharmacy of the board of pharmacy of North Carolina, or one who is or has been a regular practicing physician as hereinafter provided.

Sec. 3139. Qualifications for membership on account of practical experience, &c.; proviso; licentiates in pharmacy. 1881, c. 355, s. 5.

Pharmaceutists claiming the right of registration under the preceding section, on account of practical experience, shall, within ninety days, show to the satisfaction of the board of pharmacy, created by this chapter, that they have had three years' practical experience in the preparation of physicians' prescriptions, and in compounding and vending medicines and poisons: *Provided*, nothing in this section shall apply to any person in business on his own account, nor to those who are, have been, or may hereafter be regular practicing physicians. Licentiates in pharmacy must have had three years' experience in stores where prescriptions of medical practitioners have been prepared, and shall have passed an examination before the board of pharmacy. The board of pharmacy may register, without further examination, the licentiates of such other boards of pharmacy as they may deem proper.

Sec. 3140. Board of pharmacy, its duties, oath of members, examination fee; officers, their terms of office, vacancies and meetings; quorum and examinations. 1881, c. 355, s. 6.

This association shall elect ten of its members, from whom the governor selects five, who shall compose the board of pharmacy. The board is empowered to transact all business relating to the legal practice of pharmacy; to examine into and adjudicate upon all cases of abuse, fraud, adulteration, substitution or malpractice, and to enforce all the provisions of the law, and to render an annual account to the proper state authorities and to the association. Any one examined by the board shall pay a fee of five dollars. In case of failure to pass a satisfactory examination, he shall be granted a second examination without the payment of a further fee. It shall be the duty of the members of the board, after receipt of notification of their appointment, to appear before the

clerk of the superior court of the county in which they individually reside, and make and subscribe to an oath properly and faithfully to discharge the duties of their office, and within thirty days thereafter meet and organize by the election of a president and secretary of said board. The secretary shall be elected to serve for the term of five years, and the term of office of the other members shall be determined by lot. The board shall hold meetings at least once annually or oftener as the business of the board may require. The secretary shall give each member of the board not less than ten days' notice of each meeting. Three members shall constitute a quorum. It shall be the duty of the board to examine all persons applying for examination in proper form, and to register such as shall establish their rights to registration.

Sec. 3141. Secretary; his duties; fee for registration; his salary; compensation of members of the board; duty of the board to investigate complaints, &c.; rules, &c. 1881, c. 355, s. 7.

It shall be the duty of the secretary to the board of pharmacy to keep a book of registration at some convenient place, of which due notice shall be given through the public press, in which shall be entered under the supervision of the board the names and places of business of all persons coming under the provisions of this chapter, and a statement to be signed by the person making the application of such facts in the case as he may claim to justify his application. The fee for the registration of proprietors shall not exceed two dollars, and for those in the employ of others shall not exceed one dollar. The secretary shall give receipts for all moneys received by him, which moneys shall be used for the purpose of defraying the expenses of the board of pharmacy, and any surplus shall be for the benefit of said association. The salary of the secretary shall be fixed by the board, and shall be paid out of the fees for examination and registration. Each member of the board of pharmacy shall receive the sum of five dollars for every day engaged in the service of the board. It shall be the duty of the board to investigate all complaints of disregard, non-compliance or violation of this chapter and to bring the same to the notice of the proper prosecuting officer whenever there appears to the board reasonable grounds of complaint. The board is empowered to make such rules and regulations as it shall find necessary for carrying into

effect this law not inconsistent with the purpose and spirit of the same.

Sec. 3142. Responsibility for quality of drugs, &c., sold or dispensed; misdemeanor intentionally to adulterate, &c.; penalty; fee for renewal of certificate of registration; misdemeanor. 1881, c. 355, s. 8. 1883, c. 413.

Every person shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturers, and also those known as "patent medicines;" and should he intentionally adulterate or cause to be adulterated, or expose to sale, knowing the same to be adulterated, such drugs, chemicals or medical preparations, he shall be guilty of a misdemeanor, and liable to a penalty not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register. Every registered pharmacist who desires to continue the practice of his profession, shall annually thereafter, within thirty days preceding the annual meeting of the board of pharmacy, pay to the secretary of said board a registration fee of one dollar, for which he shall receive a renewal of said certificate of registration. Any registered pharmacist failing to renew his registration as required by this section, and continuing in the exercise of his profession, shall be guilty of a misdemeanor.

Sec. 3143. Unlawful to retail certain poisons without label; label; poison not to be sold unless purchaser knows its poisonous nature, &c.; entry to be made in book; exception. 1881, c. 355, s. 9.

No person under a penalty of twenty-five dollars for every offence, except as provided herein, shall retail any poison enumerated in schedules A and B, as follows, to-wit:

SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and essential oil of bitter almonds.

SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica,

henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, carbolic acid, oxalic acid, opium and its preparations, except pargoric and other preparations of opium containing less than two grains to the ounce, and other deadly poisons, without distinctly labelling the bottle, box, vessel or paper in which said poison is contained, with the name of the article, the word "poison," a vignette representing a skull and bones, and the name and place of business of the seller; nor shall it be lawful for any person to sell or deliver any poison enumerated in said schedules A and B, unless upon due inquiry it be found that the purchaser is aware of its poisonous nature, and represents that it is to be used for a legitimate purpose; nor shall it be lawful for any person to sell any poison included in schedule A without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open to proper authorities for inspection. This section shall not apply to the dispensing of poison in usual doses and by physicians' prescriptions.

Sec. 3144. Business of practitioner who does not keep open shop, &c., not interfered with. 1881, c. 355, s. 10.

Nothing in the preceding section shall apply to, or interfere with the business of any practitioner of medicine, who does not keep open shop for the retailing of medicines and poisons; nor with the business of wholesale dealers, excepting the preceding section and the penalties for its violation.

Sec. 3145. Misdemeanor to permit compounding of medicines by persons not registered, &c.; penalty. 1881, c. 355, s. 11.

Any person who shall permit by wilful neglect the compounding and dispensing of prescriptions in his store or place of business by any person or persons not registered, except under the supervision of a registered pharmacist, or any person not registered who shall keep open shop for the retailing or dispensing of medicines or poisons, or who shall fraudulently represent himself to

be registered, or any registered pharmacist or any dealer in medicines who shall fail to comply with this chapter, in relation to retailing and dispensing of poisons, shall for every such offence be guilty of a misdemeanor, and liable to a penalty not exceeding twenty-five dollars.

Sec. 3146. Board of pharmacy, how appointed; term of office; vacancies. 1881, c. 355, s. 12.

The governor shall appoint five reputable and practicing pharmacists doing business within the state, from ten of said pharmacists recommended to him by the North Carolina Pharmaceutical Association. Said pharmacists so appointed shall constitute the board of pharmacy of the state of North Carolina, and shall hold office for the term of one, two, three, four or five years, respectively, as herein provided, and until their successors have been duly appointed and qualified. The North Carolina Pharmaceutical Association shall annually thereafter recommend five pharmacists, from which number the governor shall fill the vacancy annually occurring in said board. In case of death, resignation or removal from the state of any member of said board, the governor shall appoint in his place a pharmacist from the names last submitted to him, to serve as a member of the board for the remainder of the term.

Sec. 3147. Penalties, how recovered. 1881, c. 355, s. 13. 1883, c. 413, s. 2.

The penalties prescribed by this chapter shall be recovered by suit in the name of the people of the state, to be prosecuted by the proper officers of the counties respectively where the violations of this chapter may be committed, and it shall be the duty of the sheriffs to see that this chapter is enforced.

DENTISTRY.

Sec. 3148. Who entitled to commence the practice of dentistry. 1879, c. 139, s. 1.

No person except regularly authorized physicians and surgeons shall commence the practice of dentistry, unless said person has been graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the authority of some one of the United States, or of a foreign government acknowledged as such, or shall have obtained a cer-

tificate from a board of examiners duly appointed and authorized by this chapter to issue such certificate.

Sec. 3149. Board of examiners; vacancies. 1879, c. 139, s. 2.

The said board of examiners hereinbefore provided for shall consist of six members of the North Carolina Dental Society, to be elected by the said society at its next annual meeting and shall hold office as follows: two for one year, two for two years, and two for three years, or until their successors are elected. The said board shall also have power to fill all vacancies for unexpired terms, and they shall be responsible to said state society for their acts.

Sec. 3150. Meetings of the board. 1879, c. 139, s. 3.

The board of examiners shall meet annually at the time and place of the meeting of the North Carolina Dental Society, and at such other times and places as the said board or any four members thereof shall agree upon, to conduct the examination of applicants, thirty days' notice of said meeting being given by advertising in at least three newspapers published in this state.

Sec. 3151. Board to grant certificates, &c.; proviso. 1879, c. 139, s. 4.

Said board shall grant a certificate of proficiency in the knowledge and practice of dentistry to all applicants who shall undergo a satisfactory examination, and who shall receive a majority of votes of said board upon such proficiency, which certificate shall be signed by the members of the board conducting said examination, and shall bear the seal of the said North Carolina Dental Society: *Provided*, any person wishing to engage in the practice of dentistry at any time prior to the regular meeting of said board may be examined by any one member of said board, and if competent may receive a temporary certificate, which shall be in force only until the next regular meeting, and no member of said board shall grant a temporary certificate a second time to the same person.

Sec. 3152. Board to keep record of persons to whom certificates granted; evidence. 1879, c. 139, s. 5.

Said board shall keep a book in which shall be entered the names and proficiency of all persons to whom certificates shall be granted under this chapter, and the date of granting said certificate, and the book so provided shall

be deemed a book of record, and a transcript of any such entry therein, certified to under the hand of the secretary and seal of the North Carolina Dental Society, shall be admitted as evidence in any court when the same shall be otherwise competent.

Sec. 3153. Quorum. 1879, c. 139, s. 6.

Four members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for the meeting of said board, those present may adjourn from day to day until a quorum is present.

Sec. 3154. Misdemeanor to practice dentistry without obtaining certificate, &c.; provisos. 1879, c. 139, s. 7.

Any person who shall practice dentistry in this state without having first passed the examination and obtained the certificate hereinbefore provided, shall be guilty of a misdemeanor, and fined twenty-five dollars: *Provided*, any person so convicted shall not be entitled to sue for, or recover any fee or charge for dental service in any court, and any sum of money paid to a person so convicted for dental services rendered, may be recovered by the person so paying the same, or his legal representative: *Provided further*, no one applying for a license to practice dentistry shall be denied such license on account of race, color or previous condition of servitude.

Sec. 3155. Fines appropriated to school fund. 1879, c. 139, s. 8.

All fines and penalties so recovered shall be appropriated to the school fund of the county in which the same shall have been recovered.

Sec. 3156. Chapter not to apply to persons now practicing dentistry. 1879, c. 139, s. 9.

Nothing in this chapter shall apply to any person engaged in the practice of dentistry before the seventh day of March, one thousand eight hundred and seventy-nine, nor to prevent any one from extracting teeth.

CHAPTER THIRTY-FIVE.

MILITIA, STATE GUARD AND MILITARY SCHOOLS.

MILITIA.

[See CONSTITUTION, ART. XII.]

SECTION.	SECTION.
3157. Of whom composed; exemption.	3176. To deliver to their successors in office money and papers.
3158. How divided.	3177. Rules of discipline; adjutant general to distribute Upton's tactics, and how.
3159. How governed.	3178. Captain's district, how laid off; boundary lines in regiments in same county, how altered.
3160. Adjutant general to be appointed; term of office, and bond.	3179. Regulations as to company musters.
3161. Officers, by whom appointed and commissioned.	3180. Company courts-martial; how to proceed; appeal allowed; executions from courts-martial, how and to whom issued; penalty on sheriff or constable for neglect.
3162. Officers to take oath.	3181. Company musicians, how appointed; their privileges.
3163. White and colored militia in distinct companies.	3182. Road hands not to be ordered out on muster day.
3164. Who exempt from militia duty.	3183. Captains to make returns, when.
3165. Members of fire companies exempted; also persons of conscientious scruples.	3184. Regimental or battalion musters, when held; duty of colonel; penalty for neglect of duty.
3166. Further exemptions from militia duty.	3185. Penalty on officers failing to attend reviews or musters.
3167. Officers to enroll and make return of exempts.	3186. Commandants of regiments, &c., to give notice of reviews, &c.
3168. Persons enrolled to equip themselves; forfeitures for neglect to do so.	3187. Commissioned officers of regiments, &c., to exercise day before review; penalty for failure.
3169. How infantry shall be divided.	3188. Penalties on officers and privates for misbehavior.
3170. Regiments, brigades and divisions, how distinguished.	
3171. Officers of infantry, their grade and how appointed.	
3172. Governor may appoint four <i>aids-de camp</i> .	
3173. Uniform of officers.	
3174. Officers to hold commissions three years and equip within twelve months; penalty.	
3175. Officers to give notice of their absence.	

SECTION.

3189. Persons on muster ground failing to do duty arrested.
3190. Persons attending musters exempt from arrest in civil actions; not to pay tolls or ferriages.
3191. Regimental and battalion courts-martial, their powers and duties.
3192. Duty of pay-masters.
3193. Oath of officers.
3194. Proceedings at courts-martial against delinquents.
3195. Courts-martial may adjourn.
3196. Duties of commanding officers as to fines; penalty on captains.
3197. Returns to be made by commandants of regiments.
3198. Duties of generals as to reviews.
3199. Returns to be made by brigadier and major-generals.
3200. Penalty on general officer, &c., for failure to review or muster, or to make returns, or to be equipped; no officer to be deprived of his commission without trial.
3201. Duty of adjutant general.
3202. In certain cases, returns and orders sent through post-office.
3203. Governor may remit fines and penalties.
3204. Regiments of cavalry, how formed, officered and equipped.
3205. Troops of cavalry, when to muster, and how returns made; who to command when mustering with infantry.
3206. Field officers of cavalry to review and make returns.
3207. Cavalry courts-martial to be held.
3208. Fines of cavalry officers and privates same as in infantry.

SECTION.

3209. How cavalry fines appropriated.
3210. Duties of adjutants of regiments.
3211. Certain sections of this chapter to apply to cavalry also.
3212. Who commissioned in cavalry.
3213. Volunteer companies of artillery, light infantry, grenadiers or ritlemeu may be formed.
3214. May select their uniform; to be under the commander of the regiment, and do duty as other companies.
3215. Regiments of volunteer companies may be formed; field officers, how chosen.
3216. Captains and other officers, how appointed.
3217. Company to muster once in three months; may adopt rules for their government.
3218. Officers of volunteer regiments to make returns.
3219. Volunteers, &c., not to return to infantry but by permission, &c.; shall serve in infantry until they equip.
3220. Officers of volunteer regiments to review.
3221. Vacancies in field offices of volunteer regiments, how filled.
3222. Certain sections concerning infantry to apply to artillery, &c.
3223. General courts-martial, how appointed and held.
3224. Officers how selected.
3225. Of what rank the officers shall be.
3226. Officers for courts-martial regularly detailed.
3227. Officers, how detailed.
3228. Courts-martial, how constituted.
3229. Officers of courts-martial, how to rank; to be sworn.

SECTION.

3230. Witnesses, how summoned.
 3231. How sworn.
 3232. Rules for government of courts-martial; penalty for officers failing to attend.
 3233. Duty of judge-advocate.
 3234. Proceedings against officers arrested; refusing to attend.
 3235. Perjury before courts-martial.
 3236. For what, officer cashiered.
 3237. Detachments of militia for United States service.
 3238. Substitutes received.
 3239. Vacancies in detachments, under rank of field officers, how supplied.
 3240. A militiaman, after one term, exempt, &c., unless, &c.
 3241. Penalty for refusing to do duty when ordered out by civil authority.
 3242. Seven justices may call out militia in invasions or insurrections.
 3243. Duty of commanding officer on such requisition.

SECTION.

3244. Commanding officer called out to notify his superior; superior to notify the governor
 3245. Three justices may order out militia to suppress outlawed persons.
 3246. Pay of militia in actual service.
 3247. By whom paid.
 3248. Pay of militia in service.
 3249. Punishment on refusal to appear on call of alarm given.
 3250. Punishment for desertion.
 3251. How volunteer companies may be incorporated.
 3252. Privates, by ten years' service in such company, exempt from further duty.
 3253. Commissioned officers exempt by eight years' service.
 3254. Arms, how procured when brigadier general dead or absent.
 3255. Private acts in relation to militia not repealed.

STATE GUARD.

SECTION.

3256. White and colored militia to be enrolled separately in state guard.
 3257. State guard liable to active service.
 3258. State guard to be composed of volunteers; enlistment for five years.
 3259. Soldiers ordered out for active service not appearing, penalty.
 3260. State to be divided into three districts; boundaries of each.
 3261. What shall make a battalion under a major; under a lieutenant-colonel; regiments; brigades.

SECTION.

3262. Number of commissioned officers to each.
 3263. Officers, how chosen; field officers; commissioned officers; non-commissioned officers.
 3264. Governor shall commission.
 3265. Officers to take an oath.
 3266. Rank according to date of commission.
 3267. Captains of companies to make yearly reports.
 3268. Commander-in-chief to revoke commissions, and dishand company.
 3269. Discipline and organization.
 3270. Companies failing to comply

SECTION.	SECTION.
with the requirements of the law.	3282. Certificate of membership.
3271. Uniform.	3283. Contributing members of the company may be enrolled.
3272. Arms.	3284. Contributing members entitled to certificates, &c.
3273. Inspections of arms and equipments.	3285. In time of peace state guard limited in number; company standard.
3274. Injury to arms or other military property.	3286. Election of field officers.
3275. Duties of the adjutant-general; blanks to be furnished; military books; annual and biennial reports.	3287. Commander-in-chief to prescribe rules, &c.
3276. Annual parades.	3288. Commander-in-chief may order a certain number of men into camp.
3277. Semi-monthly drills.	3289. Governor authorized to pay organized companies one hundred and fifty dollars.
3278. Company rules.	3290. Governor to disburse appropriations made by congress for militia.
3279. Proceedings against officers or enlisted men for failure to pay fines.	
3280. Courts-martial.	
3281. Exemption from jury service.	

MILITARY SCHOOLS.

SECTION.

3201. Military schools to be provided with arms.

Sec. 3157. Of whom composed; exemptions. 1868, c. 22, s. 1.

The militia of North Carolina shall consist of those liable to military duty, and every person liable shall be required to serve in the same unless he shall pay to the county treasurer a yearly contribution of two dollars, or be exempted under the certificate of some practicing physician on account of bodily infirmity.

Sec. 3158. How divided. 1868, c. 22, s. 2. 1870-'1, c. 34.

The militia shall consist of companies, regiments, brigades and divisions.

Sec. 3159. How governed. 1868, c. 22, s. 3.

The regulations of the United States army shall be adhered to, as near as practicable in organizing the militia.

Sec. 3160. Adjutant-general to be appointed; term of office and bond. 1883, c. 283, s. 2.

An adjutant-general shall be appointed by the gover-

nor, and shall hold his office for the term of four years, shall execute a bond of two thousand dollars, conditioned for the faithful performance of his duties.

Sec. 3161. Officers, by whom appointed and commissioned. 1868, c. 22, s. 5.

The governor shall appoint and commission all officers.

Sec. 3162. Officers to take oath. 1869-'70, c. 164.

All officers in the militia shall take and subscribe the oath required of officers by the constitution of the state.

Sec. 3163. White and colored militia in distinct companies. 1868, c. 22, s. 9.

The white and colored militia shall be enrolled in separate and distinct companies and shall never be compelled to serve in the same companies.

Sec. 3164. Who exempt from militia duty. R. C., c. 70, s. 2. 1806, c. 708, s. 2. 1812, c. 828, s. 7. 1823, c. 1218. 1838, c. 50. 1844, c. 36, s. 31. 1848, c. 58, s. 9.

The vice-president of the United States, the officers, judicial and executive, of the United States, the members of both houses of congress and their respective officers; the justices of the supreme and judges of the superior courts, and justices of the peace; the secretary of state, auditor, treasurer, the governor's private secretary, attorney-general, solicitors, the clerks of the several courts of record, the state printer, sheriffs of the several counties, physicians and surgeons, ordained ministers of the gospel of every denomination, all custom-house officers, postmasters, and stage-drivers or mail-carriers, employed in the care and conveyance of the mail to the post-offices of the United States, all ferrymen employed on any ferry of a public road, provided the same shall not exceed one superintendent and one other to each ferry, all millers of public mills, provided that this exemption shall extend as to each mill to one person only subject to do military duty, whose occupation and daily employment it is to attend and perform the duty of a public miller, all inspectors of produce, all branched and licensed pilots, all mariners actually employed in the sea service of the United States, or of any merchant, all officers and students of the University and all other seminaries of learning within the state, the lock-keepers on the Dismal Swamp canal, superintendents of common

schools, examiners of common schools, teachers and pupils of common schools while engaged as such, shall be exempted from military duty: *Provided*, nothing herein shall be so construed as to exempt any person from performing duty in case of invasion or insurrection in the state.

Sec. 3165. Members of fire companies exempted; also persons of conscientious scruples. R. C., c. 70, s. 3. 1806, c. 708, s. 2. 1829, c. 25. 1833, c. 16.

The members of the several fire companies that may be established in the state, shall be exempted from all militia duty, except in time of war, invasion or insurrection. The captain of every fire company, once a year, shall make a regular return to the colonel commandant of the regiment, by the fifteenth day of October, (under the penalties imposed on captains of militia companies for failure of making return,) in the limits of which the company exists, of all persons belonging to said company liable to muster, and the colonel of the regiment shall include them in his regular annual returns to the general of the brigade and adjutant-general. Persons having scruples of conscience against bearing arms, who shall produce to the captains of their respective districts, certificates, signed by the clerks of their respective churches, that they are regular members thereof, and shall make oath or affirmation before a justice of the peace that they are, from religious scruples, averse to bearing arms, and shall also produce a certificate from said justice that such oath or affirmation has been duly made, shall not be compelled to muster or perform military duty, except in cases of insurrection or invasion, or pay any tax for exemption; but they shall be subject to taxation in time of insurrection, invasion or war, and also to furnish their quota of men or pay an equivalent

Sec. 3166. Further exemptions from militia duty. 1869-'70, c. 164, s. 4.

Any citizen of the state who has faithfully served as an active fireman in an organized fire company for a period of seven consecutive years may obtain exemption from jury duty, and, except in time of insurrection or invasion, from militia duty, by procuring a certificate of the facts aforesaid from the principal officer of the company in which the service was rendered, or if the company has been disbanded, then on affidavit of the facts of such service by some officer or member of the late company in

which such service was rendered shall be sufficient to entitle the holder thereof to such exemption.

Sec. 3167. Officers to enroll and make return of exempts.

R. C., c. 70, s. 4. 1832, c. 7.

The captain or commandants of companies shall enroll and keep enrolled all within the limits of their respective districts who are exempt from performing militia duty except in time of invasion or insurrection, and shall return the number of exempts in their annual returns to the commandants of regiments, who shall make a like return of all exempts in their respective regiments in their annual returns to the brigadier and adjutant-generals, regulations for which annual reports are hereinafter prescribed.

Sec. 3168. Persons enrolled to equip themselves; forfeitures for neglect to do so. R. C., c. 70, s. 6. 1806, c. 708, ss. 1, 3, 9.

Every citizen enrolled and notified, as is directed in this chapter, shall, within six months thereafter, provide himself with a good musket, smooth-bored gun or good rifle, shot-pouch and powder-horn, and shall appear so armed and accoutered when called out to exercise or in actual service; the commissioned officers shall severally be armed with a sword, or hanger, or an esponton; and every citizen so enrolled and providing himself with arms and accouterments as herein directed, shall hold the same exempt from all suits, executions or sales for debts, or for the payment of taxes; and if he shall fail to provide himself with arms and accouterments, as herein directed, and if the commissioned officers of his company shall deem him in sufficient circumstances to equip himself he shall forfeit and pay for the want of a good, serviceable musket, gun or rifle fifty cents. And all parents and masters shall furnish those of the militia, who shall be under their care or command, with the arms and equipments above mentioned, under the like penalty for each neglect. If the company court-martial, after examination on oath, shall adjudge any person enrolled to be incapable of providing himself with arms and accouterments, as herein required, they shall make report thereof to the next regimental or battalion court-martial, as the case may be, who may, if it shall appear necessary, exempt such person from the fines here imposed until such arms and accouterments shall be provided and delivered to him by the court-martial, who shall take

security for the safe keeping of such arms and accouterments to be returned when required.

Sec. 3169. How infantry shall be divided. R. C., c. 70, s. 7. 1806, c. 708, s. 3. 1848, c. 58, s. 12.

The infantry shall be divided into divisions, brigades, regiments, battalions and companies; each division shall consist of at least two brigades; each brigade of at least four regiments, each county forming at least one regiment; each regiment, when convenient, shall consist of at least two battalions, each battalion of five companies, and each company of forty-five privates.

Sec. 3170. Regiments, brigades and divisions, how distinguished. 1866, c. 23, s. 1.

The following are declared to be the regiments, brigades and divisions of the infantry, to be known and distinguished as here designated, namely:

Brigades.	Counties.	No. Regiment.	How Distinguished in Counties where more than one Regiment.
1st.	Currituck.....	1	
	Camden.....	2	
	Perquimans.....	3	
	Pasquotank.....	4	
2nd.	Chowan.....	5	
	Hertford.....	6	
	Gates.....	7	
	Bertie.....	8	
	".....	9	
3rd.	Martin.....	10	
	Washington.....	11	
	Tyrrell.....	12	
	Hyde and Dare.....	13	
4th.	Beaufort.....	14	
	Craven.....	15	
	Pamlico.....	16	
	Pitt.....	17	
5th.	Carteret.....	18	
	Jones.....	19	
	Lenoir.....	20	
	Onslow.....	21	
6th.	New Hanover.....	22	
	Pender.....	23	
	Sampson.....	24	East of Big Coharie.
	".....	25	West of " "
7th.	Duplin.....	26	
	Wayne.....	27	Upper.
	".....	28	Lower.
	Greene.....	29	

Brigades.	Counties.	No. Regiment.	How distinguished in Counties where more than one Regiment.
8th.....	Edgecombe	30	Upper.
	"	31	Lower.
9th.....	Nash.....	32	
	Wilson.....	33	
	Halifax	34	Upper.
	"	35	Lower.
10th.....	Northampton.....	36	
	Warren	37	
	Wake	38	East of Raleigh.
11th.....	"	39	West of "
	Franklin.....	40	
	Johnston	41	
	Granville	42	
	Vance.....	43	
12th.....	Person.....	44	
	Orange.....	45	
	Durham	46	
	Caswell.....	47	
13th.....	Alamance.....	48	
	Chatham.....	49	Upper.
	"	50	Lower.
14th.....	Moore	51	
	Harnett.....	52	
	Cumberland.....	53	Upper.
15th.....	"	54	Lower.
	Bladen	55	
	Brunswick	56	
	Columbus	57	
	Robeson	58	Lower.
16th.....	Robeson	59	Upper.
	Richmond	60	Lower.
	"	61	Upper.
	Montgomery.....	62	
17th.....	Randolph.....	63	West.
	"	64	East.
	Davidson	65	Lower.
	"	66	Upper.
	Guilford.....	67	West.
18th.....	"	68	East.
	Rockingham.....	69	Lower.
	"	70	Upper.
	Forsyth.....	71	
	Stokes.....	72	
19th.....	Surry.....	73	North.
	"	74	South.
	Yadkin.....	75	
	Rowan.....	76	
20th.....	Davie.....	77	
	Iredell.....	78	North of South Yadkin.
	"	79	South of South Yadkin.
	Anson.....	80	
21st.....	Union.....	81	East.
	"	82	West.
	Stanly.....	83	
	Cabarrus	84	

Brigades.	Counties.	No. Regiment.	How distinguished in counties where more than one Regiment.
21st.....	Mecklenburg.....	85	North.
	".....	86	South.
22nd.....	Gaston.....	87	
	Lincoln.....	88	
	Catawba.....	89	
	Cleveland.....	90	Upper.
23rd.....	".....	91	Lower.
	Wilkes.....	92	Lower.
	".....	93	Upper.
	Alexander.....	94	
24th.....	Caldwell.....	95	
	Alleghany.....	96	
25th.....	Ashe.....	97	
	Watauga.....	98	
	Mitchell.....	99	
	Burke.....	100	North.
	".....	101	South.
26th.....	McDowell.....	102	
	Rutherford.....	103	North.
	Rutherford.....	104	South.
	Polk.....	105	
27th.....	Henderson.....	106	
	Transylvania.....	107	
	Buncombe.....	108	North.
	".....	109	South.
	Madison.....	110	
28th.....	Yancy.....	111	
	Haywood.....	112	
	Jackson & Swain....	113	
	Macon.....	114	
	Cherokee & Graham.	115	
	Clay.....	116	

First division composed of 1st, 2nd, 3rd and 4th brigades.
 Second " " " 5th, 6th, 7th and 8th "
 Third " " " 9th, 10th, 11th and 12th "
 Fourth " " " 13th, 14th, 15th and 16th "
 Fifth " " " 17th, 18th, 19th and 20th "
 Sixth " " " 21st, 22d, 23rd and 24th "
 Seventh " " " 25th, 26th, 27th and 28th "

Sec. 3171. Officers of infantry, their grade, and how appointed. R. C., c. 70, s. 9. 1806, c. 708, s. 3. 1814, c. 867. 1816, c. 924. 1842, c. 57, s. 1.

The officers of the infantry shall be as follows: To each division there shall be one major-general, and two aids-de-camp with the rank and pay of major; one division inspector, and one division quartermaster with the rank and pay of lieutenant-colonel, to be appointed by the major-general and commissioned by the governor; to each

brigade one brigadier-general, and one aid-de-camp with the rank and pay of major; one brigade inspector with the rank and pay of major; one hospital surgeon and two mates, and one assistant deputy quartermaster-general with the rank and pay of a captain, to be appointed by the brigadier-general and commissioned by the governor; to each regiment one colonel and lieutenant-colonel and one major. There shall also be to each regiment one adjutant and one quartermaster, who shall be commissioned officers with the rank of lieutenant; one paymaster, one surgeon and one surgeon's mate, one sergeant-major, one drum-major and one fife-major, all to be appointed by the commanding officer of the regiment, and the adjutant shall, when necessary, discharge the duties heretofore assigned to the brigade inspectors within his regiment, for which services he shall be allowed by the court-martial a reasonable compensation, if they think proper, to be paid out of the fines collected. To each company there shall be one captain, three lieutenants, one ensign, four sergeants, four corporals, one drummer and one fifer. All commissioned officers of the same rank shall take precedence on command according to the date of their commissions; and where two or more of the same grade bear an equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officers of the division, brigade, regiment, battalion, company or detachment. The general and field officers and all other commissioned officers shall reside within the division, brigade, regiment, battalion or company district which they respectively command.

Cotten v. Ellis, 7 Jon., 545.

Sec. 3172. Governor may appoint four aids-de-camp. R. C., c. 70, s. 9. 1806, c. 708, s. 3. 1814, c. 867. 1816, c. 924. 1842, c. 57, s. 1.

The governor shall be entitled to four aids-de-camp, whom he may appoint and commission with the rank of colonel. The commissions hereby authorized and directed to be granted to the several aids-de-camp of the governor, major-generals, and brigadier-generals, to division inspectors, division quartermasters, brigade inspectors, hospital surgeons and mates, and assistant deputy quartermaster-generals, shall be held during the pleasure of the governor, or of the generals, to whom such aids-de-camp and the other aforesaid officers may be attached.

Sec. 3173. Uniform of officers. R. C., c. 70, s. 10. 1813, c. 850, s. 13. 1846, c. 38, s. 9.

The uniform, prescribed for the officers of the regular army of the United States, shall be the uniform to be worn by the commissioned officers of the same rank in the militia.

Sec. 3174. Officers to hold commissions three years and equip within twelve months; penalty. R. C., c. 70, s. 11. R. S., c. 73, s. 11. 1840, c. 42, ss. 1, 2. 1846, c. 38, ss. 1, 3, 13. 1848, c. 58, s. 6. 1850, c. 89, s. 5.

All officers who may accept military commissions shall hold and continue to discharge the duties of their respective offices for three years from the date of their commission, unless a resignation should be rendered necessary by promotion, removal or disease; and they shall equip themselves according to law, within twelve months; and any officer who shall fail to comply with the above requirements shall forfeit and pay, if as high as the grade of a field officer, fifty dollars; of a captain, twenty-five dollars; and of a lieutenant or ensign, twenty dollars; to be sued for and recovered by the adjutant in the name of the state, and to be accounted for to the paymaster and applied as other militia fines. When any commission for a major-general or a brigadier-general is issued by the governor, under this section, it shall be the duty of the adjutant-general to have the same published in one of the papers of the city of Raleigh.

Sec. 3175. Officers to give notice of their absence. R. C., c. 70, s. 12. 1806, c. 708, s. 18.

When any officer commanding a division, brigade, or regiment, shall have occasion to be absent from his usual residence two months or more, he shall notify the officer next entitled to the command, of his intended absence, and also his next superior officer in command.

Sec. 3176. To deliver to their successors in office, money and papers. R. C., c. 70, s. 13. 1806, c. 708, s. 19.

All officers who shall have in their hands either money or papers received by virtue of their appointments, shall, when they leave their office, pay and deliver the same to their successors in office, under the penalty of one hundred dollars, to be recovered in the name of the governor, and applied as hereinafter directed.

Sec. 3177. Rules of discipline; adjutant-general to distribute Upton's tactics, and how. R. C., c. 70, s. 14. 1806, c. 708, s. 5. 1848, c. 38, ss. 10, 14.

The rules of discipline and system of tactics, which may be approved and prescribed by congress, shall be established as the rules for discipline of militia, except such alterations as shall be rendered necessary by unavoidable circumstances. The adjutant-general shall procure Upton's tactics, and shall furnish to each major-general and brigadier-general five copies; and to each colonel of a regiment a number of copies equal to the number of companies and field officers in each regiment, for distribution among the officers of the militia as the general and colonel may think proper. Upon the resignation or removal of any field officer or company officer, he shall deliver to his successor in office the copies of military tactics with which he has been furnished; and in case of his death while in office, his executor or administrator shall deliver the same as aforesaid; and upon a failure to do so, the said officer or his executor or administrator, as the case may be, shall forfeit and pay the sum of three dollars, to be collected by his successor in office, and applied as other militia fines.

Sec. 3178. Captain's district, how laid off; boundary lines in regiments of same county, how altered. R. C., c. 70, s. 15. 1831, c. 8.

The regimental or battalion courts-martial shall have power so to lay off the several captains' districts, as to render them as convenient to the inhabitants as a due regard to the requisite number of persons liable to perform military duty will permit; and they may at any subsequent court-martial so alter, enlarge, or consolidate their respective districts as to create new ones, or unite portions of districts together so as to form other and separate districts; and all allotments or alterations shall be duly recorded by the judge advocate in the books of the regiment or battalion; where a small number of inhabitants are so detached, by water-courses or mountains, as to render their attendance inconvenient at any place where they have been accustomed to muster, and where such detached sections contain a population of thirty-six men, liable to perform military duty, the regimental or battalion court-martial shall lay that section off into a separate captain's district, and appoint officers in the same manner as in other districts; and where there shall be two or more regiments in any county, a majority of

the officers composing such regiments shall have full power to alter and regulate the boundary lines of their regiments, and in the event the officers should not agree with respect to said lines, the county commissioners shall establish the said lines; and when so fixed, the judge advocate of each regiment shall spread the same on their journals.

Sec. 3179. Regulation as to company musters. R. C., c. 70, s. 16. 1806, c. 708, ss. 8, 24. 1827, c. 11. 1829, c. 31, s. 2. 1832, c. 5, s. 3.

Every captain or commanding officer of a company shall, at least twice a year, at such place as may be designated by a majority of his company, and agreeably to the order of the commanding officer, muster, train, and exercise such company, and shall cause them to remain under arms at least two hours on every day, by himself, or one of his lieutenants, or his ensign, and then and there to teach them the manual exercise and the proper company manœuvres, at which muster the officers and privates shall appear armed and equipped as hereinbefore required. The captains shall not call their men together without their consent, for the purpose of company musters, more than twice in each year, except in cases of insurrection or invasion: *Provided*, this section shall not apply to volunteer companies: *Provided further*, when any person enters into the ranks in the extra musters he shall be subject to the same discipline and governed by the same rules and penalties as govern them in their regular musters. If any captain or commanding officer of a company shall fail or neglect to muster his company as herein directed, he shall forfeit and pay six dollars, to be adjudged by the next regimental court-martial; and if he or any commissioned officer of the company shall fail to appear equipped, as directed, at the said muster, the officer so failing shall pay four dollars; and if a non-commissioned officer or private shall fail to attend at a company muster, he shall forfeit and pay a sum not exceeding two dollars nor less than one dollar, and if he attend without being armed and accoutered, he shall pay a sum not exceeding one dollar nor less than fifty cents, which sum shall be adjudged by the company court-martial, according to the circumstances of the delinquent: *Provided also*, every absentee shall be allowed until the next succeeding company muster to make his excuse, which shall always be on oath, the officer highest in rank present being authorized to administer the same. When

companies consist principally of persons residing within any town, and the muster ground is at or within one mile of said town, all fines imposed by this section for not appearing at reviews and musters, or, if appearing, not being properly armed and accoutered, shall be doubled.

Sec. 3180. Company courts-martial, how to proceed; appeal allowed; executions from courts-martial, how and to whom issued; penalty on sheriff or constable for neglect. R. C., c. 70, s. 17. 1806, c. 708, s. 12. 1813, c. 850, s. 4. 1842, c. 57, s. 3. 1846, c. 38, s. 7. 1848, c. 58, s. 10.

The commissioned officers of the company, or any two of them, after every muster of the company, shall, on the same day, meet in court-martial, and proceed to try and determine all cases which may come before them; and, on conviction of any delinquent, the officer highest in rank present shall enter up judgment and issue writs of execution against the goods and chattels and body of the delinquent, as on judgment in civil cases. The right of appeal shall be allowed from a company to a battalion or regimental court-martial, but no appeal shall be granted unless the person praying the same shall give security, to be approved by the captain or presiding officer of the company court-martial, to abide by the decision of the battalion or regimental court-martial; which appeal shall be taken in like manner as appeals from justices of the peace to the superior court, and shall be proceeded on in like manner by the battalion or regimental courts-martial. Every execution issuing upon a judgment entered up before any court-martial, shall be directed to a constable or to the sheriff of the county; and the officer to whom such execution may be directed and delivered, shall proceed to collect the same in the manner and under the rules established in civil cases, and shall be allowed the same fees for his services; he shall make his return to the next sitting of the court-martial from which the execution issued, under a penalty of twenty dollars for every neglect of duty, to be recovered by suit on the official bond of such constable or sheriff, in the name of the state, to the use of the presiding officer of the court-martial from which such execution issued. Any penalty so recovered shall be appropriated as other militia fines; and in case the presiding officer of any court-martial shall fail in any such suit, he is authorized to use so much of the fines of his company, battalion or regi-

ment as shall be necessary to defray the expense of such suit.

Bell v. Tooley, 11 Ired., 605.

Sec. 3181. Company musicians, how appointed; their privileges. R. C., c. 70, s. 18. 1812, c. 828, s. 14.

For the encouragement of military music, the captain of each military company of infantry may select from among the persons enrolled in his company one fifer and one drummer, each being properly qualified for their appointment, which selection shall be made under the direction and with the approbation of the field officers belonging to the regiment to which such company is attached; and when such selection of musicians is made, the field officers shall grant a certificate to such musicians of their appointment, and the commissioners of the county shall exempt and discharge such musicians so selected during their continuance in appointment, from serving on all juries, from working on the roads, and from the payment of poll-taxes. Such musicians shall be removable at the pleasure of the field officers of the regiment to which they severally belong, and shall attend every muster of their respective companies and also the muster of the officers and perform the duties of their appointment, under the penalty of four dollars for every neglect, to be collected and applied in the same manner as other fines.

Sec. 3182. Road hands not to be ordered out on muster-day. R. C., c. 70, c. 19. 1812, c. 828, s. 12.

No overseer of a road shall order the hands under him to work on the days previously appointed for musters by the captain of the company to which such hands belong.

Sec. 3183. Captains to make returns, when. R. C., c. 70, s. 20. 1806, c. 708, s. 10.

The captains shall, at the several musters, or within thirty days after being required so to do, or immediately, if required at a regimental or battalion muster, make a return of their respective companies to the commanding officer of the regiment or battalion, under penalty of ten dollars in the first case, or disobedience of orders in the second case.

Sec. 3184. Regimental or battalion musters, where held; duty of colonel; penalty for neglect of duty. R. C., c. 70, s. 21. 1806, c. 708, s. 6. 1846, c. 38, s. 11.

There shall be in every year at least one regimental or

battalion muster, to be ordered by the commandant of such regiment or battalion, at such place as may have been designated, or may hereafter be designated by a majority of the commissioned officers of such regiment or battalion, at which such commanding officer shall cause the militia to be exercised at least two hours on each day. The battalion muster shall be held as near the centre of each battalion district as is possible to find a suitable place for said muster. The colonel shall attend at such battalion muster on the days of drill, and the days of review, and drill and instruct the officers and men in their duties; and if he fails to discharge said duty, he shall be fined not less than ten, nor more than twenty dollars, unless he renders to a court-martial a sufficient excuse for such failure: said court-martial to be called by the brigadier-general, upon information to him by the adjutant, and to consist of at least five commissioned officers, one of whom shall be of as high rank as colonel, and the others of at least as high rank as captain.

Sec. 3185. Penalty on officers failing to attend reviews or musters. R. C., c. 70, s. 22. 1806, c. 708, s. 8.

If any officer shall fail to attend at any review, regimental or battalion muster, or, attending, be not armed as required by this chapter, he shall, on conviction before a court-martial, forfeit and pay, if a field officer, the sum of twenty dollars; if a commissioned officer under that grade, the sum of ten dollars; and every non-commissioned officer or private, who shall fail to attend such review or muster, shall, on conviction, pay such sum as shall be adjudged against him by the commissioned officers of the company to which he belongs, not exceeding four dollars, nor less than one dollar, to be ascertained at the next company muster, and, when collected, to be accounted for with the court-martial; or, if appearing, be not armed as directed, shall, for such default, forfeit and pay a sum not more than one dollar and fifty cents, nor less than fifty cents, to be adjudged and accounted for as aforesaid.

Sec. 3186. Commandants of regiments, &c., to give notice of reviews, &c. R. C., c. 70, s. 23. 1813, c. 850, s. 7.

The commanding officer of each regiment or battalion shall give to the commanding officers of the companies under his command not less than ten days' notice of the

battalion or regimental musters or reviews, which may at any time be ordered.

Sec. 3187. Commissioned officers of regiments, &c., to exercise day before review; penalty for failure. R. C., c. 70, s. 24. 1806, c. 708, s. 16. 1846, c. 38, s. 11.

Every commissioned and non-commissioned officer of the infantry, by appointment of the commanding officer of each regiment, shall meet the day before that on which the commanding officer of such regiment or battalion has appointed for holding reviews or regimental musters, where the said officers of the infantry shall be exercised by the adjutant or by the commanding officer of such regiment or battalion, at least three hours, when and where they shall be instructed in all matters of field exercise and discipline, according to the system which may be established by law. And any commissioned or non-commissioned officer, who shall fail or neglect to appear at the time and place so appointed by the commandant of his regiment or battalion, or, if appearing, be not armed and equipped as by this chapter directed when at any review or parade, such commissioned officer, so failing and neglecting, shall forfeit and pay the same sum which such officer would be compelled to pay in cases of failure and neglect at any regimental or battalion reviews or parades, and such non-commissioned officer shall be fined for such failure two dollars, unless he furnish a sufficient excuse to the regimental court-martial; and the same shall be recovered in the same manner and the money applied, as in other like cases directed by this chapter, and such officer shall in every instance whatever, be subject to the same punishment for neglect of duty or disobedience of his superior officers, as such officer would be subject to when in actual military service.

Sec. 3188. Penalties on officers and privates for misbehavior. R. C., c. 70, s. 25. 1806, c. 708, ss. 8, 9. 1842, c. 57, s. 4.

If any commissioned officer shall be intoxicated on parade or drill, or behave in a riotous or disorderly manner when on duty, or disobey the orders of his commanding officer, he may be ordered in arrest by said commanding officer until the parade or drill is over, and shall be subject to trial by a court-martial, and by them fined not to exceed twenty-five dollars, or, at their discretion, shall be reprimanded publicly or cashiered. If any non-commissioned officer or private shall, during the time of muster, or whilst on duty, behave in

a disorderly manner, or resist or refuse to obey his commanding officer, he may be ordered in arrest by such commanding officer during the time of muster or duty, and fined at the discretion of the court-martial, not to exceed five dollars: *Provided*, the said court-martial be regularly detailed as prescribed in this chapter.

Sec. 3189. Persons on muster ground failing to do duty, arrested. R. C., c. 70, s. 26. 1806, c. 708, s. 25.

If any person, liable to perform duty, shall appear at or near the parade ground, during the time of any review or muster, and shall not take his proper station and perform the duties required of him by law, or behave himself in a disorderly manner while on parade, the commanding officer of the regiment or corps shall order the said person under guard, there to be detained during the time of exercise of the service then performing, and until the militia are discharged, and such person shall further be fined at the discretion of the court-martial.

Sec. 3190. Persons attending musters exempt from arrest in civil actions; not to pay tolls or ferriages. R. C., c. 70, s. 27. 1806, c. 708, s. 21.

No officer or soldier directed by this chapter to appear and muster as aforesaid, shall be liable to be taken or arrested in any civil action or process whatever, on the day such person is directed to appear, or in a reasonable time either in going to, continuing at, or returning from the place appointed to muster or appear, but every such arrest shall be void. Every person required to attend musters and reviews, going to or returning from the same, shall be suffered to pass over any toll-bridge or toll causeway, and shall be put over any ferry without delay, free from any charge whatever. If any ferryman or proprietor of a toll-bridge shall demand pay, or refuse to put over such person, he shall forfeit and pay for every such offence four dollars to the sole use of the informer.

Sec. 3191. Regimental and battalion courts-martial, their power and duties. R. C., c. 70, s. 29. 1806, c. 708, s. 11. 1817, c. 955.

The commanding officer of each regiment or battalion shall order a court-martial to be held, at the place appointed for the muster of the same, on the day after the regimental or battalion muster, or on the same day, if convenient, which court shall consist of a majority of the officers of the regiment or battalion, one of whom shall

be a field officer and two of the grade of captain, and the highest officer in rank present shall be president. The court shall be notified of their duty by the adjutant of the regiment or battalion, by a roster to be kept by him; and the said court, when convened, shall appoint a judge advocate, who shall, in the presence of the court, take the following oath:

"I,, do swear that I will well and truly perform the duties of judge advocate of this court, according to the best of my skill and ability; so help me God."

And the judge advocate shall administer the following oath to the members of the court-martial:

"You,, do swear that you will hear and determine all causes which may come before this court, and that you will faithfully report all delinquents that come within your knowledge; that you will account for all fines and forfeitures by you collected or received, and in all cases enforce a due execution of the militia laws of the state to the best of your knowledge and ability; so help you God."

They shall inquire into the age and ability of all persons that come before them by appeal, and exempt such as may be excused on account of age or be adjudged incapable of service; also try and decide on all persons charged with omission or commission, as well by officers as by privates. The said regimental or battalion court-martial shall hear and determine all appeals from the company court-martial, and order or dispose of all fines, for buying drums, fifes, and other implements of war, for the use of the company, where the same shall arise, and for supplying the militia with arms and accouterments, and for other purposes that will promote the good thereof. The judge advocate shall be allowed a reasonable salary, to be paid out of the fines for his services; his duty shall be to write at length the proceedings of the said court; for all fines which may be imposed by the court-martial, he is authorized to enter up judgment and issue execution.

Sec. 3192. Duty of paymaster. R. C., c. 70, s. 30. 1806, c. 708, s. 12.

The paymaster shall demand and receive of the adjutants, sergeants, constables, and others, who may have collected them, all fines and forfeitures, and distribute the same agreeably to the directions of the court-martial, and settle his accounts annually with the judge advocate; and the paymaster shall, before he enters on the duties of his office, give bond and sufficient security, in the sum of two hundred dollars, payable to the commanding officer

of the regiment and his successors in office, for the faithful accounting of all sums of money which may come into his hands by virtue of his appointment; and the commanding officer aforesaid, under the penalty of two hundred dollars, shall sue for and recover the same, and when received by him, apply it according to law, and the several paymasters shall be allowed a reasonable compensation for their services by the court-martial. In case there shall be no paymaster appointed by the commandant of any regiment, then each commandant shall perform and execute the duties of paymaster, as above required.

Sec. 3193. Oath of officers. R. C., c. 70, s. 31. 1806, c. 708, s. 13. 1808, c. 749, s. 3.

Every officer shall take the following oath, to be administered in open court-martial by the judge advocate, or, if a company officer, it may be taken before the commanding officer of the regiment:

"You,, do solemnly swear, that you will execute the office of according to the rules of military discipline and the laws of the state to the best of your knowledge and ability, and that you will support the constitution of the United States and of this state; and that you will, at the court-martial of the company to which you belong, duly administer justice, and apply fines and penalties according to law and to the best of your ability, without favor, affection or partiality: so help you God."

No officer shall be allowed to sit in a regimental, battalion or company court-martial, unless he shall have taken the oath aforesaid.

Sec. 3194. Proceedings at courts-martial against delinquents. R. C., c. 70, s. 32. 1806, c. 708, s. 14.

If, at any regimental, battalion or company court-martial, or company of the officers, there shall be any delinquents, either for non-attendance or not being properly armed and accoutered, or for disorderly conduct, proclamation shall be made by the captain or commanding officer, calling the names of all delinquents enrolled, that they attend the trial of the following company court-martial, which shall be deemed a legal notice; if field officers, or officers of the regimental staff, such notice shall be given by the commanding officer or adjutant of the regiment or battalion, or to the officers assembled; and if any officer or private has an excuse to offer to the court-martial, he may send his affidavit taken before a civil magistrate, or produce a witness, or he may personally apply and make oath to the cause of his delin-

quency; and in all cases, whether from neglect or failure of the officers and privates at regimental or battalion musters, or of appeals from the company courts martial, and of all other cases of which the regimental courts-martial have jurisdiction, their determination shall be final.

Sec. 3195. Courts-martial may adjourn. R. C., c. 70, s. 33. 1806, c. 708, s. 15.

The several courts-martial shall have power to adjourn from day to day, or to some future day, when the officers entitled to compose the same shall attend, under the penalties established in other like cases for non-attendance, and at which time the unfinished business of the court may be acted upon; if there should not be a sufficient number at the place of adjournment to form a quorum, the officer ordering the same shall have power to continue its adjournments.

Sec. 3196. Duties of commanding officers as to fines; penalty on captains. R. C., c. 70, s. 34. 1812, c. 823, s. 4. 1842, c. 38, s. 8.

Every commanding officer of a regiment shall exact and enforce regular settlements of all fines, collected under the militia laws, from the several persons, charged with the collection thereof within his regiment, which fines shall be appropriated as directed by law; and each captain or commanding officer of a company shall report in writing, once in every six months to the commanding officer of the regiment, to which he belongs, the amount of fines assessed in his company within that period; and if he shall neglect to make such report and account for such fines, he shall forfeit for every such neglect the sum of ten dollars, unless he renders to the regimental court-martial a sufficient excuse therefor.

Sec. 3197. Returns to be made by commandants of regiments. R. C., c. 70, s. 35. 1806, c. 708, s. 10. 1808, c. 749, s. 2.

Every commandant of a regiment shall, at least once in every year, on or before the twenty-fifth of October, make a return to the brigadier-general of the brigade to which such regiment belongs; and shall transmit a duplicate of the same to the adjutant-general, on or before the fifteenth day of November in every year, at the bottom of which he shall report whether or not his regiment was reviewed by the major or brigadier-general, and at what time.

Sec. 3198. Duties of generals as to reviews. R. C., c. 70, s. 36. 1817, c. 943, ss. 1, 2. 1832, c. 5, s. 1.

Every major-general shall review his division once in every three years, and a brigadier-general shall review his brigade once in every two years; the several corps composing a division or brigade to meet by order of the reviewing general, by regiments, at such time as he may appoint, and at the usual places of regimental musters, in their respective counties. The major and brigadier-generals shall give fifty days' notice, by order to the commandants of their regiments or brigades, of the time of the review, previous to such review taking place. Any major or brigadier-general, failing to give notice as above directed, shall forfeit and pay, for every offence, the sum of forty dollars, one-half to the use of the county in which recovery is had and the other half to the use of the person suing for the same.

Sec. 3199. Returns to be made by brigadier and major-generals. R. C., c. 70, s. 37. 1806, c. 708, ss. 10, 22.

The brigadier-general shall make a return of his brigade to the major-general of his division on or before the tenth day of November in every year, and shall transmit a duplicate of the same to the adjutant-general on or before the fifteenth day of November, in which he shall state when his brigade was last reviewed by the major-general of his division. The major-general shall make a return of his division to the adjutant-general, annually, on or before the fifteenth day of November.

Sec. 3200. Penalty on general officer, &c., for failing to review or muster, or to make returns, or to be equipped; no officer to be deprived of his commission without trial. R. C., c. 70, s. 38. 1832, c. 5, ss. 1, 2. 1844, c. 38, s. 12.

If any general officer or commandant of a regiment shall fail to review his division or brigade, or muster his regiment, or to make an annual return of his division, brigade or regiment; or, if any major or brigadier-general shall fail to equip himself, the governor shall cause the adjutant-general to give such delinquent officer thirty days' notice of his neglect of duty; and if such delinquent officer does not, within forty days thereafter, render a satisfactory excuse for such neglect, by showing to the governor that such delinquency happened in consequence of indisposition, absence from the state or other sufficient cause, the governor shall strike his name from the list of

officers, and communicate the same to the adjutant-general, who shall have it published in some newspaper within the state, and issue proper notices to supply the vacancy: *Provided*, no commissioned officer shall be deprived of his rank or rights as such without a regular trial before some court-martial detailed for that purpose in manner prescribed in this chapter.

Sec. 3201. Duty of adjutant-general. R. C., c. 70, s. 39. 1806, c. 708, s. 7. 1808, c. 749, s. 2.

The adjutant-general shall distribute all orders from the commander-in-chief of the state to the several corps; attend public reviews, if required, when the commander-in-chief of the state shall review the militia, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; furnish blank forms of different returns that may be required, and explain the principles upon which they shall be made; and also furnish blanks of such returns; shall demand and receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of the arms and accouterments, and their delinquencies, and every other thing which relates to the advancement of good order and discipline; all which the several officers of the divisions, brigades, regiments and battalions are required to make, in the manner herein directed, that the adjutant-general may be duly furnished therewith, previous to the biennial meeting of the general assembly, from all which returns he shall make proper extracts, and lay the same, with a report of the general state of the militia, magazines, and military stores, and such improvements as he may think necessary for the advancement of discipline and benefit of the militia, biennially before the general assembly, or the commander-in-chief of the state, who is required to lay the same without delay before the said assembly. And the adjutant general shall also annually make a return of all the militia of the state to the president of the United States. In failure of which recited duties he shall suffer the following fines and penalties: for not attending all public reviews, when required by the governor, fifty dollars; for not furnishing blank forms as required by this chapter, ten dollars for each neglect, one half to the use of the informer and the other half to the use of the state; for not distributing all orders from the commander-in-chief of the state, or for not

making returns as required by this chapter, upon conviction of either before a general court-martial, to be ordered by the governor, he shall be cashiered; he shall be compensated for the expense of all the blank forms of returns, necessarily required in his department; and the postage of all letters to and from him in his capacity as adjutant-general, shall be paid to him by the treasurer of the state, on the adjutant-general producing a stated account of the same by him certified; he shall keep a roster of the names and dates of the commission of each major and brigadier-general in the state, likewise the counties under each of their commands respectively, designating therein the numbers of each division, brigade and regiment ready at all times for immediate inspection; shall at least once in every three years transmit a copy of this roster, certified by him, to the president of the United States, to the governor of the state, and to the general assembly; and he shall, from time to time, make a report to the general assembly of what shall be done by him in virtue of his appointment, and accompany such report with such remarks as may by him be deemed necessary for the better regulation and improvement of the militia discipline.

Sec. 3202. In certain cases, returns and orders sent through post office. R. C., c. 70, s. 40. 1813, c. 850, s. 3.

If no immediate opportunity offers for forwarding orders or returns, the certainty of which insures a speedy delivery thereof, which can be easily ascertained and proved, then the officer issuing the order or making the return (as the case may be) shall lodge the same, properly directed, in the post office, marked on the back "public service," under which he shall write his name and grade, and a return thus made shall be sufficient.

Sec. 3203. Governor may remit fines and penalties. R. C., c. 70, s. 41. 1813, c. 850, s. 6.

The governor may mitigate or remit all fines and penalties which may be recovered in any of the courts of justice against any general or field officer.

Sec. 3204. Regiments of cavalry, how formed, officered and equipped. R. C., c. 70, s. 42. 1806, c. 709, ss. 1, 7, 12. 1842, c. 33. 1842, c. 57, s. 9. 1846, c. 38, s. 5.

There shall be, in each brigade of the militia in the state, one regiment of cavalry; there shall be to each regiment of cavalry one colonel, one lieutenant-colonel,

and one major, to be appointed and commissioned in like manner as such officers are appointed and commissioned in the infantry; and out of the militia enrolled there may be formed, out of each battalion that has a separate muster, at least one troop of cavalry, to be formed of volunteers, which shall be uniformly clothed in regimentals at their own expense, the color and fashion to be determined by the field officers of cavalry of the regiment or battalion to which they belong; to each troop one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter, and no less than twenty-four dragoons, the commissioned officers to furnish themselves with good horses at least fourteen and a half hands high, to be armed with a sword and pair of pistols, with holsters; and each dragoon shall furnish himself with a serviceable horse at least fourteen and a half hands high, a good saddle, bridle, cruppers and valise, a pair of boots and spurs, one pair of pistols and holsters, a sword, and cartouch box to hold twelve cartridges, for pistols; and the field officers and commissioned officers shall reside within the brigade, regimental or troop district in which they respectively command. There shall also be to each regiment of cavalry one adjutant, one quartermaster, one paymaster, one surgeon with the rank and pay of a first lieutenant, and one surgeon's mate with the rank and pay of a second lieutenant, to be appointed by the commanding officer of each regiment; the commissioned officers of troops of cavalry shall be recommended by the field officers of the regiment to which they belong, and commissioned by the governor: *Provided*, whenever a troop of cavalry shall be formed in any brigade where there is not a sufficient number of troops to form a regiment, the officers of such troop shall be recommended by the brigadier-general and commissioned by the governor. All non-commissioned officers of each troop shall be appointed by the captain of such troop. All commissioned officers shall take rank according to the date of their commissions; and when two or more of equal grade bear the same date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the regiment to which they belong.

Sec. 3205. Troops of cavalry, when to muster, and how returns made; who to command, when mustering with infantry. R. C., c. 70, s. 43. 1806, c. 709, s. 4. 1844, c. 38, s. 6.

Each troop of cavalry shall muster at least once in

every three months, at such time and place as the captain or commanding officer of such troop shall direct, and the captain shall make a true return of his troop to the commanding officer of the regiment to which he may belong, on or before the first day of September in every year, under the penalty of thirty dollars for each neglect; *Provided*, such return shall be made to the brigadier-general where there is no regiment of cavalry in the brigade. The troops of cavalry when attending the general muster of the regiment or battalion of infantry, shall be under the command of any field officer of the cavalry, if present on parade, except on review days, when ordered by the major-general, adjutant-general, or brigadier-general; and at the reviewing of the regiment of cavalry, when ordered by the colonel thereof, the cavalry shall then be under the command of the officers of the cavalry only, except a general officer shall be present on parade.

Sec. 3206. Field officers of cavalry to review and make returns. R. C., c. 70, s. 44. 1832, c. 5, s. 9.

The field officers of cavalry, once in every two years, shall review the troops of cavalry, composing their regiments, at some place most convenient in the brigade, to be designated by a majority of the commissioned officers of the regiment, at such time as the commanding officer of the regiment shall appoint; of which at least thirty days' notice shall be given to the commanding officers of the several troops. The commanding officer of each regiment of cavalry shall once in every year, on or before the first day of October, make a just and full return, after the form prescribed by the adjutant-general, of all officers and dragoons under his command, and their equipments, to the brigadier-general to whose brigade the said regiment belongs; and shall also transmit to the adjutant general, on or before the fifteenth day of November in every year, a duplicate of such return, and at the bottom of the same shall state when his regiment or the several troops composing it were last reviewed by the brigadier and major-generals.

Sec. 3207. Cavalry courts-martial to be held. R. C., c. 70, s. 45. 1806, c. 709, s. 6.

A majority of the commissioned officers of each troop, and a majority of the commissioned officers of each regiment, immediately after their respective troop or regimental musters, shall hold troop or regimental courts-martial, in the same manner, and the courts shall have

the same powers, duties and authorities, and shall be governed by the same rules and regulations as the company or regimental court-martial of the infantry hereinbefore prescribed: *Provided*, the delinquents of each troop of cavalry, at any regimental parade, shall be heard, and either fined or excused, at the troop court-martial next succeeding such regimental muster or review; and the troop court-martial shall make returns to the next succeeding regimental court-martial of their proceedings, and of all moneys by them caused to be made, to be disposed of as herein directed.

Sec. 3208. Fines of cavalry officers and privates same as in infantry. R. C., c. 70, s. 46. 1806, c. 709, s. 13.

The fines of officers, non-commissioned officers and privates of the troops and regiments of cavalry, for not holding musters, not attending musters, parades and reviews, or not being armed and equipped, shall be the same as hereinbefore prescribed for officers, non-commissioned officers and privates of the infantry in similar cases.

Sec. 3209. How cavalry fines appropriated. R. C., c. 70, s. 47. 1806, c. 709, s. 17.

All fines and forfeitures incurred by the cavalry officers or privates, and not herein particularly appropriated, shall be applied to the purposes of first buying trumpets, and then at the disposal of the regimental courts-martial, to the use and benefit of the troop whence the same arose. Those fines, paid by the field and staff officers, and not particularly appropriated, shall be equally divided among the troops composing the regiment to which they respectively belong; all other fines and forfeitures shall be appropriated and divided, at the discretion of the regimental courts-martial, for the promotion and advancement of military discipline.

Sec. 3210. Duties of adjutants of regiments. R. C., c. 70, s. 48. 1806, c. 709, s. 9.

The adjutant of the regiment shall attend the regimental parade, and receive and execute such orders as the commanding officer may deem expedient; and the said adjutant shall take an oath of office, in open court-martial, and from time to time call upon and bring suit against all delinquent captains, and other commissioned officers below the grade of captain, for fines and penalties by them incurred, and which are not otherwise especially

provided for in this chapter, and shall receive and account for the same annually with the paymaster of the regiment; for which services the adjutant shall be allowed a reasonable compensation, to be paid out of the fines so collected, by order of the court-martial; and in case any adjutant shall fail to attend and perform his duty as herein required, he shall forfeit and pay the sum of one hundred dollars.

Sec. 3211. Certain sections of this chapter to apply to cavalry also. R. C., c. 70, s. 49. 1806, c. 709, s. 11.

The sections of this chapter in relation to the infantry are declared to apply to cavalry, whenever they can be construed to do so.

Sec. 3212. Who commissioned in cavalry. R. C., c. 70, s. 50. 1823, c. 1216, s. 4. 1842, c. 57, s. 8.

No person shall be commissioned in any troop of cavalry, unless the number is such as shall be prescribed by this chapter.

Sec. 3213. Volunteer companies of artillery, light infantry, grenadiers or riflemen may be formed. R. C., c. 70, s. 51. 1806, c. 710. 1842, c. 57, s. 5.

Out of the militia there may be enrolled as many volunteer companies of artillery, light infantry, grenadiers, or riflemen as may see fit to form themselves into such, each company to consist of thirty-two privates, four sergeants, four corporals, one captain, three lieutenants (the third lieutenant to be the ensign); and persons subject by law to be enrolled in the militia may join any volunteer company in a regiment adjoining that in which they reside.

Sec. 3214. May select their uniform; to be under the commander of the regiment, and do duty as other companies. R. C., c. 70, s. 52. 1806, c. 710.

The said companies shall be clothed in regimentals, to be furnished by themselves, of their own choice and fashion, and shall attend battalion and regimental reviews, parades and drills whenever ordered by the colonel of the county or commanding officer of the regiment to which they respectively belong; shall be subject to his orders, and liable to the same fines and penalties for the non-performance of military duty, misdemeanors in office, or dereliction of duty, as the militia.

Sec. 3215. Regiments of volunteer companies may be formed; field officers, how chosen. R. C., c. 70, s. 53. 1806, c. 710. 1829, c. 3.

Whenever there may be a sufficient number of volunteer companies, in any one brigade, to form a regiment, containing as many companies as five, the commissioned officers of such companies may meet together, at such time and place as a majority of them may designate, and proceed to elect (a majority of said commissioned officers being present) a colonel, lieutenant-colonel and major, the result of said election to be certified by the senior officer present at said meeting (who shall also preside thereat), to the brigadier-general of said brigade, who shall lay said result before the governor, and he shall forthwith issue commissions to said officers.

Sec. 3216. Captains and other officers, how appointed. R. C., c. 70, s. 54. 1806, c. 710.

The captains and lieutenants of said companies shall be elected by a majority of the members of their respective companies, and the non-commissioned officers of said companies shall be appointed by the commissioned officers thereof.

Sec. 3217. Company to muster once in three months, may adopt rules for their government. R. C., c. 70, s. 55. 1806, c. 710.

The captain or commanding officer of each company of artillery, light-infantry, grenadiers or riflemen, shall, at least once in three months, muster his men at such time as he may direct, and at such place as may be agreed on by a majority of the company; and each company may adopt rules and regulations for their own government, not inconsistent with the laws and constitutions of the state and the United States.

Sec. 3218. Officers of volunteer regiments to make returns. R. C., c. 70, s. 56. 1806, c. 710. 1829, c. 3.

Whenever a regiment of volunteers shall be formed and officered, as hereinbefore required, annual returns shall be made to the brigadier-general and adjutant-general, as required to be made by the field officers of infantry.

Sec. 3219. Volunteers, &c., not to return to infantry but by permission, &c., shall serve in infantry until they equip. R. C., c. 70, s. 57. 1806, c. 710. 1802, c. 57, s. 7. 1846, c. 38, s. 6.

No person who shall procure himself to be enrolled in

any company of artillery, light-infantry, grenadiers, or riflemen, in any troop of cavalry or in any volunteer company, shall be permitted to return to the infantry, except by the consent of the field officers or the regiment, or by removal out of the county, regiment, or battaion, wherein such person was enrolled; and it shall be sufficient for any person to be enrolled and approved by the captain of said volunteer company or troop of cavalry, without the intervention of any other officer: *Provided*, any person enrolling himself with any captain of a volunteer company or troop of cavalry, shall be subject to perform all the duties and exercises in the infantry, and under the officers thereof, until such person so enrolling himself shall fully and completely equip himself with clothing and arms required and settled on for such company or troop, and a certificate to that effect procured from the captain with whom he has enrolled, and produced to the captain, under whom such person so served before such enrollment, or his successor in office.

Sec. 3220. Officers of volunteer regiments to review. R. C., c. 70, s. 58. 1806, c. 710. 1829, c. 3.

Whenever there may be formed a regiment of volunteers, as hereinbefore provided, the commanding officer shall review his regiment as often as the colonel or commanding officers of infantry may be required to do.

Sec. 3221. Vacancies in field officers to volunteer regiments, how filled. R. C., c. 70, s. 59. 1806, c. 710.

Whenever a vacancy shall occur by death, resignation or otherwise, among the field officers of said regiment, the officer highest in command shall notify the brigadier-general thereof, who shall call the commissioned officers of said regiment together at some convenient place, for the purpose of electing some one to fill said vacancy; and may either detail some officer to superintend said election, or may make it the duty of the officer highest in rank that may be present to attend thereto, and transmit to him the returns of said election; and the said general shall transmit the result of said election to the governor, who shall forthwith commission the officer so elected.

Sec. 3222. Certain sections concerning infantry to apply to artillery, &c. R. C., c. 70, s. 60. 1813, c. 850, s. 11.

Every section of this chapter relative to the infantry which can be applied to the government and disciplining

of the artillery, light infantry, grenadiers, or riflemen, or which can, by construction, be applied to them or either of them, shall be in force for the government and disciplining of the artillery, light infantry, grenadiers, and riflemen, respectively.

Sec. 3223. General courts-martial, how appointed and held. R. C., c. 70, s. 61. 1817, c. 955, s. 1.

The governor shall appoint general courts-martial for the trial of major-generals; major-generals, each within his own division, shall appoint division courts-martial for the trial of brigadier-generals; brigadier-generals, each within his own brigade, shall appoint brigade courts martial for the trial of all officers above the grade of captain; and in like manner the colonel or commandant of each regiment or battalion shall appoint regimental or battalion courts-martial, for the trial of all commissioned officers, under the grade of a field officer; in every case the officer ordering the court-martial shall cause the officer accused to be arrested, to be furnished with a copy of the charges against him, and to be notified of the time and place appointed for his trial.

Sec. 3224. Officers, how selected. R. C., c. 70, s. 62. 1817, c. 955, s. 2.

When a court-martial is ordered, the officer ordering it shall appoint the president, judge-advocate and provost-marshal, and, if it be a general court-martial, orders shall be issued to such divisions as in the opinion of the governor may most conveniently furnish the members thereof; if it be a division court-martial, orders shall be issued to such brigades as in the opinion of the officer ordering it, may most conveniently furnish the members thereof; if it be a brigade court-martial, orders shall be issued to such regiments in the brigade as in the opinion of the officer ordering it, may most conveniently furnish the members of it; and if it be a regimental court-martial, the officer ordering it shall appoint the members.

Sec. 3225. Of what rank the officers shall be. R. C., c. 70, s. 63. 1817, c. 955, s. 3.

The president of a general court-martial shall not be under the rank of a major-general; and the court shall be composed of two brigadier-generals and ten field officers as members, six of whom shall be of different divisions; the president of the division court-martial shall not be under the grade of a brigadier-general, and the court

shall be composed of twelve field officers as members, six of whom shall be of a different brigade; the president of a brigade court-martial shall not be under the rank of a colonel, and the court shall be composed of twelve officers as members, to be taken from the brigade, none of whom shall be under the rank of captain; the president of a regimental court-martial shall not be under the grade of a field officer, and the court-martial shall be composed of a majority of the officers of the regiment as members.

Sec. 3226. Officers for courts-martial regularly detailed. R. C., c. 70, s. 64. 1817, c. 955, s. 4.

Whenever the commanding officer of a division, brigade, regiment or battalion shall be ordered to furnish any officer as a member or supernumerary of a court-martial, such officer shall be regularly detailed from the roster of the division, brigade, regiment or battalion, by the commanding officer thereof, forthwith, after receiving orders therefor: *Provided*, in case of sickness, inability, or absence of any officer whose turn it may be to serve on a court-martial, the detailing officer shall certify such circumstance to the officer who ordered the court-martial, and detail the officer next in succession.

Sec. 3227. Officers, how detailed. R. C., c. 70, s. 65. 1817, c. 955, s. 5.

Officers ordered to be detailed to serve on courts-martial shall be detailed in the following manner: Brigadier-generals, by the major-generals of divisions, from the division rosters; colonels, lieutenant-colonels, and majors, by the commanding officers of brigades, from the brigade rosters; captains and subalterns, by the commanding officers of regiments and battalions, from the regimental or battalion rosters.

Sec. 3228. Courts-martial, how constituted. R. C., c. 70, s. 66. 1817, c. 955, s. 6.

All courts martial for the trial of officers shall be constituted of a president, judge-advocate, and provost-marshal, together with the number of members prescribed by this chapter; and the officer ordering a court-martial may, at his discretion, order a number of officers to be detailed as supernumeraries, in addition to those intended to serve as members, to attend the organization thereof, and in case there should be any vacancy, the judge-advocate shall fill such vacancy from the supernumeraries, beginning with the highest in grade and proceeding in regular rotation.

Sec. 3229. Officers of courts-martial, how to rank, to be sworn. R. C., c. 70, s. 67. 1817, c. 955, s. 7.

All officers on a court-martial shall take rank by seniority of commission, without regard to corps; and before any court-martial shall proceed to the trial of any officer, the judge-advocate shall administer to the president and each of the members the following oath:

"You, , do swear, that you will well and truly try and determine, according to the evidence, the matter now before you between the state of North Carolina and the prisoner to be tried, and that you will duly administer justice according to the militia laws of North Carolina, without partiality, favor or affection; and you do further swear, that you will not divulge the sentence of the court, until it shall be published by the proper authority; neither will you disclose the vote or opinion of any particular member of the court, unless you are required to give evidence thereof as a witness by a court of justice, in due course of law; so help you God."

And the president shall administer to the judge advocate the following oath:

"You, , do swear, that you will faithfully and impartially discharge the duty of judge advocate on this occasion, as well to the state as to the accused; and that you will not disclose the vote or opinion of any particular member of the court unless required to give evidence thereof as a witness by a court of justice in due course of law, nor divulge the sentence of the court to any but to the proper authority, until it shall be duly published by the same; so help you God."

Sec. 3230. Witnesses, how summoned. R. C., c. 70, s. 68. 1817, c. 955, s. 8.

The judge advocate of any court-martial, constituted according to this chapter, may issue a summons, in the nature of a subpoena in criminal cases, directed to the provost-marshal, to summon witnesses for the state, and the accused; and the persons summoned by him shall be bound to attend and give evidence before the court-martial, under the penalty of forty dollars, to be recovered by the party aggrieved, unless the witness can prove his inability to attend.

Sec. 3231. How sworn. R. C., c. 70, s. 69. 1817, c. 955, s. 9.

All witnesses shall be sworn by the judge advocate, before they give their evidence, as in criminal cases, according to the following form:

"You, , do swear, that the evidence you will give to the court in the case between the state and C. D., shall be the truth, the whole truth, and nothing but the truth; so help you God."

Sec. 3232. Rules for government of courts-martial; penalty for officers failing to attend. R. C., c. 70, s. 70. 1817, c. 955, s. 10. 1846, c. 38, s. 4.

All trials by court martial shall be carried on in the day-time, between the hours of ten o'clock in the morning and five o'clock in the evening; and when the votes shall be called for on any question, the judge advocate shall begin with the youngest in commission, and proceed regularly to the oldest. And at all courts-martial, unless two thirds of the members agree that the accused is guilty, the judge advocate shall record his acquittal. And all courts-martial, authorized and appointed in pursuance of the military laws of the state, shall have full power and authority to preserve order during their session, and may imprison in the county jail, for the space of eight hours, all persons who shall, in the presence of the court-martial, behave in a disorderly and contemptuous manner. None but a commissioned officer shall sit in any court-martial, and if any officer shall fail to attend any court-martial, when notified so to do, he shall be fined; and if above the rank of colonel, not less than twenty dollars; if of the rank of colonel and above that of captain, not less than fifteen dollars; if of the rank of captain and under, not less than ten dollars; unless he render a sufficient excuse, to be judged of by the court-martial from which he may be absent; and if any officer shall take his seat in court-martial without being in uniform, he shall be fined, at the discretion of the court, not to exceed five dollars, unless he furnish said court a sufficient excuse for such delinquency.

Sec. 3233. Duty of judge advocate. R. C., c. 70, s. 71. 1817, c. 955, s. 11.

The judge advocate, upon all trials shall state impartially to the court the evidence, both for and against the accused; shall take down in writing the evidence, both for and against the accused, and minute down the proceedings of the court, all of which, with the judgment or sentence of the court thereupon, authenticated by his signature and that of the president of the court, with the papers read at the trial or copies thereof certified by him, he shall transmit under seal to the officer who ordered the court; and all motions and objections to evidence, whether on the part of the state or the accused, and the opinion of the judge advocate on questions of law, made at the trial, shall be stated in writing, and the statement of the complaint and the defence shall be made in writing, so that a

full view of the trial may be had by the officer whose duty it is to approve or disapprove the proceedings; and all the original proceedings and judgments or sentences of all courts-martial, appointed according to this chapter, after having been approved or disapproved by the officer ordering them, shall by him, as soon thereafter as convenient, be transmitted to the adjutant general of the state, to be deposited and preserved in his office; and the party tried by any court-martial, as aforesaid, upon request by himself or by any person properly authorized, at the adjutant-general's office, shall be entitled to a copy of the original record, certified as aforesaid, of the proceedings and sentence of the court, he paying reasonably for the same.

Sec. 3234. Proceedings against officers arrested, refusing to attend. R. C., c. 70, s. 72. 1817, c. 955, s. 12.

When any officer shall be arrested and notified to attend any court-martial which may be ordered for his trial, and shall refuse or neglect to attend the same, the said court shall take up the charges and specifications alleged against him, provided he has been served with a copy thereof, and proceed to trial in the same manner as if he were present.

Sec. 3235. Perjury before courts-martial. R. C., c. 70, s. 73. 1812, c. 828, s. 3.

If any person shall wilfully and corruptly swear falsely before any court-martial, touching and concerning any matter or thing cognizable before such court-martial, he shall be liable to the pains and penalties of perjury; and in all cases, to delinquents and witnesses, oaths shall be administered by the judge advocate or presiding officer of said court-martial.

Sec. 3236. For what, officer cashiered. R. C., c. 70, s. 74. 1808, c. 749, s. 1.

Dishonest or ungentlemanly conduct in an officer shall be punished by cashiering, and disabling him from ever holding a military commission.

Sec. 3237. Detachments of militia for United States service. R. C., c. 70, s. 75. 1814, c. 867, s. 3.

Upon any requisition by the United States for a detachment of the militia from this state, every captain of infantry shall enter upon his roll all able-bodied men, between the ages of twenty-one and forty years, except

such as are exempted by the second section of the act of congress of one thousand seven hundred and ninety-two, and except the judges of the superior court, and ministers of the gospel, regularly ordained, within his company district, and they shall be subject to draft: *Provided*, nothing in this chapter shall be understood to subject persons, heretofore exempted, to perform ordinary militia duty: and nothing in this section shall be construed to conflict with this chapter.

Sec. 3238. Substitutes received. R. C., c. 70, s. 76. 1812, c. 828, s. 8.

Each captain or commanding officer of a company of militia, detached as part of the requisition under the authority of the United States, shall receive and enroll in the place and stead of any person drafted to serve in such company, any able-bodied citizen to serve as a substitute for such person so drafted.

Sec. 3239: Vacancies in detachments under rank of field officers, how supplied. R. C., c. 70, s. 77. 1812, c. 828, s. 9.

If any commissioned officer, under the grade of a field officer, appointed to command in any detachment from this state, under the authority of the United States, shall die, resign, or move out of the regiment district to which he belongs, the colonel commandant of the regiment, to which such officer belonged, shall recommend a proper person, resident within the bounds of such regiment, to be commissioned by the governor to fill such vacancy.

Sec. 3240. A militia-man, after one term exempt, &c., unless, &c. R. C., c. 70, s. 78. 1814, c. 867, s. 1.

In all cases where a militia-man shall have performed a term of service, either as a volunteer or drafted militia-man, whether upon the requisition of the United States or of this state, he shall not be liable to stand a second draft, until the whole of the militia within his company district shall have performed a like term of duty.

Sec. 3241. Penalty for refusing to do duty when ordered out by civil authority. R. C., c. 70, s. 79. 1822, c. 1167, s. 2.

When militia-men are ordered out on duty in aid of the civil authority, either to guard a jail or for any other purpose, and shall neglect or refuse to attend, each man shall be fined at the discretion of his company court-

martial, not exceeding five dollars for each day he shall fail to do duty.

Sec. 3242. Seven justices may call out militia in invasions or insurrections. R. C., c. 70, s. 80. 1831, c. 32, s. 1.

In all cases of insurrection in any county of this state, or in an adjoining state, or in case of invasion, seven justices of the peace, deeming the emergency to require it, may at their discretion require in writing of the commanding officer of their county to call out the militia under his command, and any volunteer company or companies in said county, in the absence of the officer who is entitled to the command, to suppress or repel such insurrection or invasion, or to protect the inhabitants of their county from the danger apprehended; and may again require of the said officer to dismiss his men when they think the danger is over, and the commanding officer may dismiss in like manner.

Sec. 3243. Duty of commanding officer on such requisition. R. C., c. 70, s. 81. 1831, c. 32, s. 2.

The commanding officer forthwith shall order out the militia, in the way he shall judge best to effect the purpose desired; he may make such contracts, as he may think most to the interest of the state, for the requisite ammunition, and appoint some one a commissary to provide the necessary rations for the subsistence of the men while in service, and immediately on the discharge of the men, the commanding officer may dispose of any surplus ammunition or provisions, for the benefit of the state; and all expenses hereby incurred shall be properly certified by said officer and forwarded to the governor, and shall be paid by the state after undergoing an examination and approval by the governor, treasurer and auditor, who shall be a board for that purpose.

Sec. 3244. Commanding officer called out, to notify his superior, superior to notify the governor. R. C., c. 70, s. 82. 1831, c. 32, s. 3.

The commanding officer of any regiment, when he has called out the militia under the preceding section, shall immediately send an express to the brigadier or major-general of his brigade or division, informing him of that fact, and of any other official facts he may be in possession of, and continue to do so from time to time; and the brigadier or major-general shall immediately apprise the

governor, by telegraph, express or mail, as he may judge the emergency requires, of all the circumstances; in the meantime such general officer shall pursue the most effectual measures for repelling such invasion, or suppressing such insurrection, and the militia thus called out shall be armed according to law.

Sec. 3245. Three justices may order out militia to suppress outlawed persons. R. C., c. 70, s. 83. 1831, c. 32, s. 4. 1869-'70, c. 164.

When there may be outlawed persons, committing depredations, or in any way alarming the citizens of any county, or where the guarding of a jail is necessary, three justices of the peace, certifying the same in writing and requesting the officer in command of their county, such officer shall effect the object set forth in said request of the justices, and the expenses of the militia so called out shall be paid by the county commissioners, who may lay a sufficient tax to pay said militia, at the same rates as the regular troops of the United States are entitled to, when in actual service.

Sec. 3246. Pay of militia in actual service. 1869-'70, c. 164, s. 1.

The provisions in the preceding section for paying the militia shall be construed to apply to all cases where the militia may be called into actual service by the governor or any superior court judge or any local civil officer, to benefit any particular county.

Sec. 3247. By whom paid. 1869-'70, c. 164, s. 3.

When the militia or any portion thereof shall be called into actual service according to law to serve any county of the state, or for guarding the jail of such county on account of prisoners from some other county being imprisoned in such jail, the county commissioners of the county from which said prisoners may be or may have been taken shall audit the account of said militia and draw a warrant upon the county treasurer for the same, and the county treasurer shall pay the same out of any county funds not otherwise appropriated.

Com'rs v. Com'rs, 75—240.

Sec. 3248. Pay of militia in service. R. C., c. 70, s. 84. 1813, c. 850, s. 5.

The militia of the state, both officers and soldiers, when called into the service of the state, shall receive the same

pay and rations as when called into the service of the United States.

Sec. 3249. Punishment on refusal to appear on call of alarm given. R. C., c. 70, s. 85. 1806, c. 708, s. 20.

Every officer who shall refuse or neglect, on call or alarm given, to appear at such times and places as shall be appointed by his commanding officer, shall, on conviction before a court-martial, be cashiered and rendered incapable of ever after holding a military appointment, and be liable to pay the sum of forty dollars, to be collected as herein directed; and if a non-commissioned officer or private he shall forfeit and pay the sum of ten dollars. If any person do not march against the enemy, when commanded, by himself or substitute, or shall refuse or neglect to do his duty or perform the services he is requested to perform by his officer, or quit his post, desert or mutiny, the commanding officer of the regiment or corps shall order a court-martial for the trial of such offender. The members when met shall individually, before they proceed, take the following oath:

"I,, swear well and truly to try and determine, according to the evidence of the matter before me, between the state and the person now to be tried: so help me God."

And they shall, on trial and conviction, order punishment on the offender, according to the articles of war established for the regulation of the army: *Provided*, such punishment shall not extend to sentence of death, except in case of desertion to an enemy, or mutiny.

Sec. 3250. Punishment for desertion. R. C., c. 70, s. 86. 1813, c. 850, s. 12.

If any non-commissioned officer or private militia-man, while in the pay and service of the state, shall wilfully desert the service or abandon the post assigned to him, without being regularly discharged, or permitted by an officer duly authorized for that purpose, such non-commissioned officer or private, being thereof convicted by a court-martial having jurisdiction of the offence, shall be adjudged to have forfeited the pay and emoluments due to him at the time of his desertion, and be subject to a fine not less than twenty and not exceeding fifty dollars, and imprisonment not exceeding six months nor less than one month, at the discretion of the court-martial; and, furthermore, shall be turned over to serve as a private soldier in the regular army of the United States, at the discretion of

the court-martial, not exceeding double the term of time which he had been called out to serve in the militia.

Sec. 3251. How volunteer companies may be incorporated. R. C., c. 70, s. 91. 1848, c. 58, s. 3.

Whenever any volunteer company may be formed, consisting of the number required for the formation of volunteer companies, the captain of such company shall make known in writing such fact to the colonel commandant of the regiment in which such company may be formed; and if the colonel shall be satisfied that the statement made by the said captain is true, and that said company is uniformed and equipped in all respects as required, except as to arms, he shall give such captain a certificate in writing, setting forth the fact; and every such company shall be entitled to make all such by-laws, rules and regulations for their government as may be deemed necessary, not inconsistent with the constitution of the state or of the United States; and shall be vested with all the rights, powers and privileges usually incident to and belonging to volunteer companies which are incorporated: *Provided*, such company shall, as such, perform military duty at least four times every year.

Sec. 3252. Privates, by ten years' service in such company, exempt from further duty. R. C., c. 70, s. 92. 1848, c. 58, s. 4.

Any person, between the ages of eighteen and thirty-five years, who shall join any regularly constituted company of volunteers, whether of infantry, cavalry, grenadiers, artillery or riflemen, and shall serve as a volunteer in such company, for a period of ten years, shall thereafter be exempt from military duty, except in cases of insurrection or invasion.

Sec. 3253. Commissioned officers exempt by eight years' service. R. C., c. 70, s. 93. 1848, c. 58, s. 5.

Every commissioned officer (major and brigadier-generals excepted) who shall equip himself as the law directs, and shall perform military duty as a commissioned officer, for the period of eight years, shall thereafter be exempt from military duty, except in cases of insurrection or invasion.

Sec. 3254. Arms, how procured when brigadier-general dead or absent. R. C., c. 70, s. 94. 1854, c. 29.

In the absence or death of the brigadier-general of any

brigade, the certificate of the highest officer in command of the militia of any county where there may be formed a volunteer company, shall be lawful for the purpose of enabling the governor to supply such company with arms and accouterments, under the rules and regulations in force.

Sec. 3255. Private acts in relation to militia not repealed.
R. C., c. 70, s. 95. R. S., c. 73, s. 87.

Nothing herein shall be construed to repeal any private act of the general assembly, incorporating, granting privileges to, or regulating particular corps, whether of the volunteers or of the ordinary militia.

STATE GUARD.

Sec. 3256. White and colored militia to be enrolled separately in state guard. 1876-'7, c. 272, s. 1.

The white and colored militia shall be separately enrolled in the state guard, and shall never be compelled to serve in the same companies, battalions or regiments.

Sec. 3257. State guard liable to active service. 1876-'7, c. 272, s. 2. 1883, c. 283, s. 4.

The state guard hereinafter mentioned shall be liable at all times to be ordered into active service, and shall first be called on by the commander-in-chief on all occasions for military service. In time of war, invasion, rebellion, insurrection or riot, or reasonable apprehension thereof, the commander-in-chief may order out for active service such further portion of the militia as he may deem necessary, designating the same by draft if a sufficient number shall not volunteer, and may organize the same and appoint and commission officers therefor, and when so ordered out for service the militia shall be subject to like regulations and receive from the state like compensation as that prescribed for the army of the United States; and the governor may, whenever the exigences of the public service require it, detail for special duty any officer of the state guard, and his expenses and compensation therefor shall be paid upon the approval of the governor and warrant of the auditor.

Sec. 3258. State guard to be composed of volunteers; enlistments for five years. 1876-'7, c. 272, s. 3.

The active militia shall be designated The State Guard,

and consist of volunteers, and shall be subject at all times to the orders of the officers. All enlistments therein shall be for five years, and made by signing duplicate enlistment papers in such forms as may be prescribed by the adjutant-general, one to be forwarded to him forthwith by the enlisting officer and one to be filed with the records of the company in which such enlistment is made.

Sec. 3259. Soldiers ordered out for actual service not appearing; penalty. 1876-'7, c. 272, s. 4.

Every soldier ordered out for active duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered, or who has not some able-bodied and proper substitute at such time and place, or does not furnish a reasonable excuse for such non-appearance, shall be liable to such punishment as a court-martial may determine.

Sec. 3260. State to be divided into three districts; boundaries of each. 1876-'7, c. 272, s. 5.

The commander-in-chief shall divide the state into three military districts, each of which shall be commanded by a brigadier-general.

Sec. 3261. What shall make a battalion under a major; under a lieutenant-colonel; regiments; brigades. 1876-'7, c. 272, s. 6.

Two or more white companies, or two or more colored companies, organized in any military district, may form a battalion and elect a major and other battalion officers. Five or more white, or five or more colored companies, organized in any military district, may form a battalion and elect a lieutenant-colonel, major, and other battalion officers. Ten white, or ten colored companies, organized in any military district, may form a regiment and elect a colonel, lieutenant-colonel, major, and other regimental officers. Where two battalions or two regiments shall be organized in a military district, they may form a brigade, which shall take the number of the district in which it is formed, and it shall be the duty of the commander-in-chief to organize the companies of the state guard, in each military district, into battalions, regiments and brigades, as rapidly as they form, each regiment or battalion to be designated by number, and each company by letter, at the formation, and a record thereof made in the office of the adjutant-general. And whenever the

commander-in-chief shall form a battalion, or regiment of the state guard, he shall order at the same time an election to be held for the field officer or officers of such battalion or regiment, such election to be conducted as hereinafter provided.

Sec. 3262. Number of commissioned officers to each. 1876-'7, c. 272, s. 7.

To each brigade, regiment, battalion and company, there shall be the same commissioned and non-commissioned officers required by the regulations of the United States army.

Sec. 3263. Officers, how chosen; field officers, commissioned officers, non-commissioned officers. 1876-'7, c. 272, s. 8.

The officers of the state guard shall be chosen as follows: Brigadier general, by the commander-in-chief; field officers of regiments and battalions, annually, by the written votes of the commissioned officers of the companies of the respective regiments or battalions; commissioned officers of companies, annually, by the written votes of the non-commissioned officers and privates of the respective companies; non-commissioned officers of the companies, annually, by the respective captains, who shall forthwith return the same in writing to the commanding officers of the regiment or battalion.

Sec. 3264. Governor shall commission. 1876-'7, c. 272, s. 9.

The governor shall commission all officers, returned as elected on returns of election made through the adjutant-general.

Sec. 3265. Officers to take oath. 1876-'7, c. 272, s. 10.

Every commissioned officer, before he enters upon the duties of his office, or exercising any command, shall take and subscribe before a justice of the peace the oath prescribed by the constitution.

Sec. 3266. Rank according to date of commission. 1876-'7, c. 272, s. 11.

Commissioned officers shall take rank according to the date of their commissions. The day of appointment or election of an officer shall be expressed in his commission and considered as the date thereof. Whenever an officer shall be re-commissioned within six months after

the expiration or revocation of his original commission, in the same grade in which he has served in the state guard, his new commission shall bear date even with, and he shall take rank from, the date provided for in his former commission.

Sec. 3267. Captains of companies to make yearly reports. 1876-'7, c. 272, s. 12.

Each captain of a company shall make out each year a full and complete report of the number of men in his company, the number of parades in which the company shall have participated during the preceding year, also the amount of ordnance and ordnance stores received from the state and in possession of the company, and transmit the same through regimental or battalion and brigade commanders of his military district, on or before the first day of April in each year, and if there be no such regimental or brigade commanders in his district, he shall transmit said report direct to the adjutant-general of the state, under pain of a forfeiture of his commission and dishonorable discharge from the state guard.

Sec. 3268. Commander-in-chief to revoke commissions and disband company. 1876-'7, c. 272, s. 13.

The commander-in-chief shall have full power and authority to revoke any commission, or to disband any company or companies, whenever in his judgment it shall be necessary or expedient for the public good or the good of the service, and all companies shall be required to conform to this chapter.

Sec. 3269. Discipline and organization. 1876-'7, c. 272, s. 14.

The organization of the state guard shall conform generally to the laws of the United States, and the system of discipline and exercise shall conform as nearly as may be to that of the army of the United States, excepting that the minimum standard of a company shall be forty-five commissioned officers, non-commissioned officers and privates.

Sec. 3270. Companies failing to comply with the requirements of law. 1876-'7, c. 272, s. 15.

If it appears to the commander-in-chief that a company of the state guard has failed to comply with the requirements of the law in matter of uniform, equipment, numbers and discipline, such company shall be disbanded by the commander-in-chief.

Sec. 3271. Uniform. 1876-'7, c. 272, s. 16.

All commissioned officers, non-commissioned officers and privates in the state guard shall provide themselves with uniforms complete, of their own choice and fashion, subject to such restrictions, limitations and alterations as the commander-in-chief may order. General, staff and field officers and their staffs shall appear mounted on all days of review or parade.

Sec. 3272. Arms. 1876-'7, c. 272, s. 17.

Each company of the state guard, on application by the commander thereof to the adjutant-general, through his regimental and brigade commanders, if there be such, and producing satisfactory evidence that the law in relation to the distribution of public arms has been fully complied with, shall be furnished with such appropriate arms and equipments as shall be determined by the commander-in-chief upon such terms and under such conditions as the law prescribes.

Sec. 3273. Inspection of arms and equipments. 1876-'7, c. 272, s. 18.

The adjutant-general shall annually inspect the arms and equipments in possession of the active militia, or of any schools, persons or associations, and shall cause to be returned to the state arsenal all such property which he at any time shall find to be damaged by neglect or improper use. The expenses of such inspection shall be paid by the state.

Sec. 3274. Injury to arms or other military property. 1876-'7, c. 272, s. 19.

Every person who shall wantonly or wilfully injure or destroy any arms, equipment or other military property of the state, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete or remove the same with intent to sell or dispose thereof, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Sec. 3275. Duties of the adjutant-general; blanks to be furnished; military books; annual and biennial reports. 1876-'7, c. 272, s. 20.

The adjutant-general shall issue all orders of the commander-in-chief to the militia, and shall keep a record of the proceedings of his office. The records of the brigades, and of each regiment, battalion and company shall be

kept by its proper officers in such form as he shall prescribe; he shall also furnish, at the expense of the state, all proper blank books, blanks and forms, and such military instruction books as the commander-in-chief shall approve, and annually report to the commander-in-chief the condition of the state guard, with a roster of all the commissioned officers, and such other matters relating to the militia as he may deem expedient; and on or before the first Monday in January, annually, make a return of the militia of the state, their arms, accouterments and ammunition, to the president of the United States. He shall also report biennially, to the general assembly, the condition of the state guard, together with such suggestions for its improvement as he may deem proper. He shall be allowed the necessary stationery, printing, clerk hire and suitable books for the preservation of the records of his office.

Sec. 3276. Annual parades. 1876-'7, c. 272, s. 21.

The state guard shall parade for drill one day annually, in May, by company, battalion or regiment, as ordered by the brigadier-general, and may encamp for drill and instruction six successive days, annually, by battalions, regiments or brigades, as ordered by the commander-in-chief. The places of said encampments shall be designated by the proper commanding officers, subject to approval by the commander-in chief. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct.

Sec. 3277. Semi-monthly drills. 1876-'7, c. 272, s. 22.

The commandant of each battalion or regiment may order semi-monthly evening drills by any company of his command, from October to April inclusive, of not less than one hour each, and shall inspect at least one evening drill of each company during said period, or detail a field officer for such inspection.

Sec. 3278. Company rules. 1876-'7, c. 272, s. 23.

Each company may adopt rules and regulations for their own government not inconsistent with the laws and constitution of the state and of the United States.

Sec. 3279. Proceedings against officer or enlisted man for failure to pay fines. 1883, c. 283, s. 3.

Any officer or enlisted man failing to pay over any fine imposed on him under the general rules and regulations, or under the by-laws of his company, may be sued for the same as for debt before a justice of the peace, and judgment having been obtained, execution shall issue and be levied and collected as in ordinary cases, the money when collected to be paid into the company fund.

Sec. 3280. Courts-martial. 1876-'7, c. 272, s. 24.

Courts-martial shall be formed and governed according to the rules and regulations of the United States.

Sec. 3281. Exemption from jury service. 1881, c. 366, s. 1.

All officers, musicians and privates of the state guard who comply with all their military duties, shall be exempt from all jury service of every character and description.

Sec. 3282. Certificate of membership. 1881, c. 366, s. 2.

The commanding officer of every company shall, on the application of any officer, musician or private of his command, deliver to him a certificate stating that such person is a member of his command and whether he is uniformed, armed and equipped, and whether he has complied with all military duties. Such certificate when dated within six months shall be presumptive evidence of the matter therein stated.

Sec. 3283. Contributing members of company may be enrolled. 1881, c. 366, s. 3.

Each company may, besides its regular and active members, enroll twenty-five contributing members on payment in advance by each person desiring to become such contributing member, of not less than ten dollars per annum, which money shall be paid into the company treasury, and be applied to the purchase of uniforms for the rank and file of the active members of the company, or to such purposes as may be authorized by such company.

Sec. 3284. Contributing members entitled to certificates, &c. 1881, c. 366, s. 4.

Each contributing member of every legally organized

company shall be entitled to receive from the commanding officer thereof a certificate of membership, which certificate of membership shall exempt but not disqualify the person therein named from jury duty for the period of one year from the date of his said certificate.

Sec. 3285. In time of peace, state guard limited in number; company standard. 1881, c. 366, s. 5.

The state guard shall, in time of peace, be restricted to five thousand four hundred men. The minimum standard of a company shall be thirty-two, and the maximum standard, ninety-six commissioned officers, non-commissioned officers and privates.

Sec. 3286. Election of field officers. 1881, c. 366, s. 6.

Field officers of battalions and regiments shall be elected biennially, on the first Thursday in December, by the written votes of the commissioned officers of the companies of the battalion or regiment, and at such places as may be designated by the adjutant-general.

Sec. 3287. Commander-in-chief to prescribe rules, &c. 1881, c. 366, s. 7.

The commander-in-chief is hereby authorized to establish and prescribe such rules, regulations, forms and proceedings as he may think proper for the use, government and instruction of the militia.

Sec. 3288. Commander-in-chief may order a certain number of men into camp. 1881, c. 366, s. 8.

The commander-in-chief is empowered, in his discretion, to order such regiments, battalions or companies, or such portions thereof as he shall deem proper, not, however, exceeding two thousand men in any one year, into a camp or camps to be designated by him, for a period not exceeding ten days in any one year, for instruction.

Sec. 3289. Governor authorized to pay organized companies one hundred and fifty dollars. 1883, c. 283, s. 1.

The governor is authorized to pay to each duly organized company of the state guard, which complies with all the requirements of the law and regulations governing the active militia, the sum of one hundred and fifty dollars per annum for payment of armory rent and other necessary expenses: *Provided*, the numbers of said companies shall not exceed in the aggregate twenty-five, and that said companies shall be located on or near the lines of communication by railroad, steamboat or telegraph.

Sec. 3290. Governor to disburse appropriations made by congress for militia. 1883, c. 283, s. 5.

The governor shall have power to make such use of any appropriation made by congress for the militia as he may deem best for the arming, equipment, support, maintenance and discipline of the state guard. The expenditures shall be made under his direction by such officers as he may direct and a report of the same shall appear in the annual report of the adjutant-general.

MILITARY SCHOOLS.

Sec. 3291. Military schools to be provided with arms. 1873-'4, c. 96.

The adjutant-general, under the direction of the governor, is empowered to furnish the military schools of the state with such arms and accouterments as may be in the state arsenal, upon requisition of the principals of said schools, and upon such security as will insure the state against loss.

CHAPTER THIRTY-SIX.

MINES.

SECTION.

3292. Lessors of mines not partners with their lessees, unless they so contract.
3293. Conveyance of water for mining purposes; application made to justices of the peace.
3294. The petition, character of.
3295. Jurors appointed to assess damages.

SECTION.

3296. Oath administered.
3297. Right of application.
3298. Registration of assessment.
3299. Compensation of appraiser.
3300. Procedure.
3301. Obstruction of drains a misdemeanor; penalty.

Sec. 3292. Lessors of mines not partners with their lessees, unless they so contract. R. C., c. 72. 1830, c. 46.

No lessor of property, real or personal, for mining purposes, although the lessor may receive a sum uncertain of the proceeds or net profits, or any other consideration, which, though uncertain at first, may afterwards

become certain, shall be held as a partner of the lessee; nor shall any of the legal or equitable relations or liabilities, of copartners exist between them, unless it be so stipulated in the contract between the lessor and lessee.

Sec. 3293. Conveyance of water for mining purposes; application made to clerk of superior court. 1871-'2, c. 158, s. 1.

Any person or body corporate engaged or about to engage in mining, who may find it necessary for the furtherance of his operations to convey water either to or from his mine or mines over the lands of any other person or persons, may make application by petition in writing to the clerk of the superior court of the county in which the lands to be affected or the greater part are situate, for the right so to convey the said water.

Sec. 3294. The petition, character of. 1871-'2, c. 158, s. 3.

The petition shall specify the lands to be affected, the name of the owner of said lands, and the character of the ditch or drain intended to be made; and said owner shall be made party defendant.

Sec. 3295. Jurors appointed to assess damages. 1871-'2, c. 158, s. 4.

Upon the hearing of the petition, if the prayer thereof be granted, the clerk shall appoint three disinterested persons qualified to act as jurors, and not connected either by blood or marriage with the parties, appraisers to assess the damage, if any, that will accrue to said lands by the contemplated work, and shall issue a notice to them to meet upon the premises at a day specified, not to exceed ten days from the date of said notice.

Sec. 3296. Oath administered. 1871-'2, c. 158, s. 5.

The appraisers having met, shall take an oath before some officer qualified to administer oaths, to faithfully perform their duty and to do impartial justice in the case, and shall then examine all the lands in any way to be affected by the said work, and assess the damage thereto, and make report thereof under their hands and seals to the clerk from whom the notice issued, who shall have power to confirm the same.

Sec. 3297. Right of application. 1871-'2, c. 158, s. 7.

After the return of the assessment and confirmation

thereof, the petitioner shall have full right and power to enter upon such lands and make such ditches, drains or other necessary work: *Provided*, he has first paid or tendered the damages assessed as above to the owner of such lands or his known and recognized agent, if he be a resident of this state, or have such agent in this state. If the owner be a non-resident and have no known agent in this state, the amount so assessed shall be paid by the petitioner, into the office of the clerk of the superior court of the county for the use of such owner.

Sec. 3298. Registration of assessment. 1871-'2, c. 158, s. 8.

The petitioner, or any other person interested, may have the said assessment registered upon the certificate of the clerk, and shall pay the register a fee of twenty-five cents therefor.

Sec. 3299. Compensation of appraiser. 1871-'2, c. 158, s. 9.

Each appraiser shall be entitled to a fee of one dollar for each day actually employed in making said assessment, to be paid by the petitioner.

Sec. 3300. Procedure.

The procedure under this chapter shall be a special proceeding, and shall be conducted as other special proceedings.

Sec. 3301. Obstruction of drains a misdemeanor; penalty. 1871-'2, c. 158, s. 12.

Any person who shall obstruct any drain or ditch constructed under this chapter shall be guilty of a misdemeanor.

CHAPTER THIRTY-SEVEN.

NAMES.

SECTION.

3302. Names changed by the superior court.

Sec. 3302. Names changed by the superior court. R. C., c. 74. R. S., c. 77, s. 1.

Any person desirous of changing his name, may have it done by petition in any superior court; and the court at the time of filing the petition, or afterwards, may decree the same.

CHAPTER THIRTY-EIGHT

NAVIGATION.

SECTION.

3303. Lumbermen required to remove obstructions in Albe-

SECTION.

marle Sound and its tributaries; penalty for failure.

Sec. 3303. Lumbermen required to remove obstructions in Albemarle Sound and its tributaries; penalty for failure. 1880, c. 37, ss. 1, 2.

Lumbermen shall be required to remove all obstructions which they place in the waters of Albemarle Sound and its tributaries, as soon as practicable, after they have ceased to use them for the purpose for which they were placed in said waters. Said obstructions shall be removed from all places where the water is not less than two feet deep, and also, from all landing places on both sides, for the space of sixty feet from the shore outward; and any one failing to comply with this chapter, shall be guilty of a misdemeanor, and fined not less than one dollar, nor more than fifty dollars, at the discretion of the court.

CHAPTER THIRTY-NINE.

NOTARIES.

SECTION.

3304. Notaries appointed by governor; qualified in superior court.
3305. Commission issued and certificate thereof filed in office of clerk.

SECTION.

3306. Clerks may act as notaries and certify under seal of office.
3307. Notaries may take probate of deeds, &c., and act as commissioners of affidavits.
3308. Fees of notaries.

Sec. 3304. Notaries appointed by governor; qualified in superior court. R. C., c. 75, s. 1. 1777, c. 118, s. 1. 1881, c. 317.

The governor may, from time to time, at his discretion, appoint one or more fit persons in every county, to act as notaries; who shall hold their office for two years from and after the date of their appointment; and on exhibiting their commission to the clerk of the superior court of the county in which they are to act, shall be duly qualified, by taking before said clerk an oath of office, and the oaths prescribed for officers.

Sec. 3305. Commission issued and certificate thereof filed in office of clerk. R. C., c. 75, s. 2.

The governor shall issue to each a commission, a certificate of which shall be deposited with the clerk of the court, and filed among the records, and he shall note on his minutes the qualification of the notary.

Sec. 3306. Clerks may act as notaries, and certify under seal of office. R. C., c. 75, s. 3. 1833, c. 7, ss. 1, 2.

The clerks of the superior courts may act as notaries public, in their several counties, by virtue of their office as clerks, and may certify their notarial acts under the seals of their respective courts.

Sec. 3307. Notaries may take probate of deeds, &c., and act as commissioners of affidavits. 1866, c. 30, s. 1. 1879, c. 128.

Notaries public shall have power to take and certify the acknowledgment or proof of powers of attorney, mortgages, deeds and other instruments of writing, to

take depositions and to administer oaths and affirmations in matters incident or belonging to the duties of their office, and to take affidavits to be used before a court, judge or other officer, within the state, and shall have power to take the privy examination of *femes covert*.

Benedict v. Hall, 76—113.

Sec. 3308. Fees of notaries. 1866, c. 30, s. 2.

The fees of notaries public, for each certificate and seal, shall be fifty cents, and in other matters shall be as regulated by the chapter entitled "Salaries and Fees."

CHAPTER FORTY.

OATHS.

SECTION.

3309. Oaths, how administered.
 3310. Persons scrupulous of laying hands on the scriptures, sworn with uplifted hand.
 3311. Quakers, Moravians, Dunkers and Mennonists affirmed.
 3312. Oaths or affirmations to support the constitutions of the United States and of this state, taken by all officers.

SECTION.

3313. Oath to support the constitution of the United States.
 3314. County surveyors and deputies empowered to administer oaths in making partition of lands.
 3315. Oaths of sundry persons.
 3316. Deputies to administer oaths in like cases as principals may.

WHEREAS, lawful oaths for the discovery of truth and establishing right are necessary and highly conducive to the important end of good government; and being most solemn appeals to Almighty God, as the omniscient witness of truth, and the just and omnipotent avenger of falsehood, such oaths, therefore, ought to be taken and administered with the utmost solemnity.

Sec. 3309. Oaths, how administered. R. C., c. 76, s. 1. 1777, c. 108, s. 2.

Judges and justices of the peace, and other persons who may be empowered to administer oaths, shall (except in the cases in this chapter excepted) require the party

sworn, to lay his hand upon the holy evangelists of Almighty God, in token of his engagement to speak the truth, as he hopes to be saved in the way and method of salvation pointed out in that blessed volume; and in further token, that, if he should swerve from the truth, he may be justly deprived of all the blessings of the gospel, and made liable to that vengeance which he has imprecated on his own head; and he shall kiss the holy gospel, as a seal of confirmation to the said engagements.

Shaw v. Moore, 4 Jon., 25; Rowland v. Thompson, 65—110; State v. Davis, 69—383; State v. Owen, 72—605; State v. Knight, 84—789; State v. Mace, 86—668.

Sec. 3310. Persons scrupulous of laying hands on the scriptures, sworn with uplifted hand. R. C., c. 76, s. 2. 1777, c. 108, s. 3.

When the person to be sworn, shall be conscientiously scrupulous of taking a book oath in manner aforesaid, he shall be excused from laying hands upon, or touching the holy gospels; and the oath required shall be administered in the following manner, namely: he shall stand with his right hand lifted up towards heaven, in token of his solemn appeal to the Supreme God, and also, in token, that if he should swerve from the truth, he would draw down the vengeance of heaven upon his head, and shall introduce the intended oath with these words, namely:

“I, A. B., do appeal to God, as a witness of the truth and the avenger of falsehood, as I shall answer the same at the great day of judgment, when the secrets of all hearts shall be known,” &c., as the words of the oath may be.

State v. Whisenhurst, 2 Hawks, 458; State v. Davis, 69—383.

Sec. 3311. Quakers, Moravians, Dunkers and Mennonists affirmed. R. C., c. 76, s. 3. 1777, c. 108, s. 4. 1777, c. 115, s. 42. 1819, c. 1019. 1821, c. 1112.

The solemn affirmation of Quakers, Moravians, Dunkers, and Mennonists, made in the manner heretofore used and accustomed, shall be admitted as evidence in all civil and criminal actions; and in all cases where they are required to take an oath to support the constitution of the state, or of the United States, or an oath of office, they shall make their solemn affirmation, in the words of the oath beginning after the word “swear;” which affirmation shall be effectual to all intents and purposes.

State v. Davis, 69—383.

Sec. 3312. Oaths or affirmations to support the constitutions of the United States, and of this state, taken by all officers. R. C., c. 76, s. 4. 1781, c. 342, s. 1.

Every member of the general assembly, and every person who shall be chosen or appointed to hold any office of trust or profit in the state, shall, before taking his seat or entering upon the execution of the office, take and subscribe the following oath or affirmation:

"I, A. B., do solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the state of North Carolina, and to the constitutional powers and authorities, which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of said state, not inconsistent with the constitution of the United States, to the best of my knowledge and ability: so help me, God."

Where such person shall be of the people called Quakers, Moravians, Mennonists or Dunkers, he shall take and subscribe the following affirmation:

"I, A. B., do solemnly and sincerely declare and affirm, that I will truly and faithfully demean myself as a peaceful citizen of North Carolina; that I will be subject to the powers and authorities that are or may be established for the good government thereof, not inconsistent with the constitution of the state and the constitution of the United States, either by yielding an active or passive obedience thereto, and that I will not abet or join the enemies of the state, by any means, in any conspiracy whatever, against the state; that I will disclose and make known to the legislative, executive or judicial powers of the state, all treasonable conspiracies which I shall know to be made or intended against the State."

Worthy v. Barrett, 63—199.

Sec. 3313. Oath to support the constitution of the United States. R. C., c. 76, s. 5. 1791, c. 342, s. 2.

All members of the general assembly, and all officers who shall be elected or appointed to any office of trust or profit within the state, shall, agreeably to act of congress, take the following oath or affirmation:

"I, A. B., do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States; so help me, God;"

Which oath shall be taken before they enter upon the execution of the duties of the office.

Worthy v. Barrett, 63—199.

Sec. 3314. County surveyors and deputies empowered to administer oaths in making partition of land. 1881, c. 144.

The county surveyors of the several counties and their authorized deputies, are empowered to administer oaths

to all such persons as are required by law to be sworn in making partition of real estate, in laying off widows' dower, in processioning land lines and in surveying vacant lands under warrants.

Sec. 3315. Oaths of sundry persons. R. C., c. 76, s. 6.

The oaths of office to be taken by the several persons hereafter named, shall be in the words following the names of said persons respectively:

ADMINISTRATOR.

(1) You swear (or affirm) that you believe A. B. died without leaving any last will and testament; that you will well and truly administer all and singular the goods and chattels, rights and credits of the said A. B., and a true and perfect inventory thereof return according to law; and that all other duties appertaining to the charge reposed in you, you will well and truly perform, according to law, and with your best skill and ability; so help you, God.

ATTORNEY AT LAW.

(2) I, A. B., do swear (or affirm) that I will truly and honestly demean myself in the practice of an attorney, according to the best of my knowledge and ability; so help me, God.

ATTORNEY-GENERAL, STATE SOLICITORS AND COUNTY ATTORNEYS.

(3) I, A. B., do solemnly swear (or affirm) that I will well and truly serve the State of North Carolina in the office of attorney general; (solicitor for the State—or attorney for the State in the county of) I will, in the execution of my office, endeavor to have the criminal laws fairly and impartially administered, so far as in me lies, according to the best of my knowledge and ability; so help me, God.

AUDITOR.

(4) I, A. B., do solemnly swear (or affirm) that I will well and truly execute the trust reposed in me as auditor, without favor or partiality, according to law, to the best of my knowledge and ability; so help me, God.

BOOK DEBT OATH.

(5) You swear (or affirm) that the matter in dispute is a book account, that you have no means to prove the delivery of such articles, as you propose to prove by your own oath, or any of them, but by yourself; and you further swear that the account rendered by you is just and true; and that you have given all just credits; so help you, God.

BOOK DEBT OATH FOR AN EXECUTOR OR ADMINISTRATOR.

(6) You, as executor or administrator of A. B., swear (or affirm) that you verily believe this account to be just and true, and that there are no witnesses, to your knowledge, capable of proving the delivery of the articles therein charged; and that you found the book or account so stated, and do not know of any other or further credit to be given, than what is therein given; so help you, God.

CLERK OF THE SUPREME COURT.

(7) I, A. B., do swear (or affirm) that, by myself or any other person, I neither have given, nor will give, to any person whatsoever, any gratuity, gift, fee or reward, in consideration of my appointment to the office of clerk of the supreme court of North Carolina; nor have I sold, or offered to sell, nor will I sell or offer to sell, my interest in the said office; I also solemnly swear that I do not, directly or indirectly hold any other lucrative office in this State; I do further swear, that I will execute the office of clerk of the supreme court without prejudice, favor, affection or partiality, to the best of my skill and ability; so help me, God.

CLERK OF THE SUPERIOR COURT.

(8) I, A. B., do swear (or affirm) that, by myself or any other person, I neither have given, nor will I give, to any person whatsoever, any gratuity, gift, fee or reward, in consideration of my election or appointment to the office of clerk of the superior court for the county of; nor have I sold or offered to sell, nor will I sell or offer to sell, my interest in the said office; I also solemnly swear that I do not, directly or indirectly, hold any other lucrative office in the state; and I do further swear, that I will execute the office of clerk of the superior court for the county of, without prejudice, favor, affection or partiality, to the best of my skill and ability; so help me, God.

COMMISSIONERS ALLOTING A YEAR'S PROVISIONS.

(9) You and each of you swear (or affirm) that you will lay off and allot to the petitioner, a year's provisions for herself and family, according to law, and with your best skill and ability; so help you, God.

COMMISSIONERS DIVIDING AND ALLOTING REAL ESTATE.

(10) You and each of you swear (or affirm) that, in the partition of the real estate now about to be made by you, you will do equal and impartial justice among the several claimants, according to their several rights, and agreeably to law; so help you, God.

COMMISSIONER OF WRECKS.

(11) I, A. B., do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of a commissioner of wrecks, for the district of, in the county of, according to law; so help me, God.

CONSTABLE.

(12) I, A. B., do solemnly swear (or affirm) that I will well and truly serve the state of North Carolina in the office of constable; I will see and cause the peace of the state to be well and truly preserved and kept, according to my power; I will arrest all such persons, as in my sight, shall ride or go armed offensively, or shall commit or make any riot, affray or other breach of the peace; I will do my best endeavor, upon complaint to me made, to apprehend all felons and rioters or persons riotously assembled, and if any such offenders shall make resistance with force, I will make hue and cry, and will pursue them according to law, and will faithfully and without delay, execute and return all lawful precepts to me directed; I will well and truly, according to my knowledge, power and ability, do and execute all other things belonging to the office of constable, so long as I shall continue in office: so help me, God.

ENTRY-TAKER.

(13) I, A. B., do solemnly swear (or affirm) that I will well and impartially discharge the several duties of the office of entry-taker for the county of, according to law: so help me, God.

EXECUTOR.

(14) You swear (or affirm) that you believe this writing to be and contain the last will and testament of A. B., deceased; and that you will well and truly execute the same, by first paying his debts and then his legacies, as far as the said estate shall extend, or the law shall charge you; and that you will well and faithfully execute the office of an executor, agreeably to the trust and confidence reposed in you, and according to law: so help you, God.

FINANCE COMMITTEE.

(15) I, A. B., do solemnly swear (or affirm) that I will diligently inquire into all matters relating to the receipts and disbursements of county funds and a true report make, without partiality: so help me, God.

INSPECTOR OF FLOUR

(16) I, A. B., do swear (or affirm) that I will without favor or affection, malice or partiality, inspect all flour brought to me, and which I shall be required to examine, and that no flour shall be passed or branded by me, without my inspecting the same; that I will not brand, or cause to be branded, as passed, any cask of flour that will not appear to me, to the best of my skill and judgment, to be sufficiently clean, well ground, sweet and merchantable; that I will mark on all casks of flour the degree thereof, according to the directions of law; that I will carefully examine the casks in which flour brought for inspection shall be contained, and that I will not pass or brand any such casks, unless they be of such size, goodness, and thickness as by law required: so help me, God.

INSPECTOR OF TOBACCO.

(17) I, A. B., do swear (or affirm) that I will carefully and diligently view and examine all tobacco brought to any public warehouse, whereof I

am appointed to be inspector, and all other tobacco which I may be called upon to view and inspect, and that, not separate and apart from my fellow, but in his presence; and that I will not receive any tobacco that is not, in my judgment, sound, well-conditioned, merchantable, and clear of trash; nor receive, pass, or stamp any tobacco, hogshhead or cask of tobacco prohibited by law; and that I will not change, alter or give out any tobacco, other than such hogshhead or cask, for which the receipt to be taken was given, but that I will, in all things, well and faithfully discharge my duty in the office of inspector, according to law, without fear, favor, or affection, malice or partiality: so help me, God.

INSPECTOR OF ARTICLES OTHER THAN TOBACCO AND FLOUR.

(18) I, A. B., do swear (or affirm) that I will faithfully, impartially and diligently execute the office of inspector; and that I will not for favor, affection, prejudice or partiality brand for any person whatsoever, any barrel of beef, pork, rice, tar, pitch or turpentine, fish, butter or flax-seed, or pass any timber, lumber or shingles, other than such as are declared to be lawful, according to the best of my skill and judgment: so help me, God.

GRAND JURY—FOREMAN OF.

(19) You, as foreman of this grand inquest for the body of this county, shall diligently inquire and true presentment make of all such matters and things as shall be given you in charge; the state's counsel, your fellows' and your own, you shall keep secret: you shall present no one for envy, hatred or malice; neither shall you leave any one unpresented for fear, favor or affection, reward or the hope of reward; but you shall present all things truly, as they come to your knowledge, according to the best of your understanding: so help you, God.

GRAND JURORS.

(20) The same oath which your foreman hath taken on his part, you and each of you shall well and truly observe and keep on your part: so help you, God.

GRAND JURY—OFFICER OF.

(21) You swear (or affirm) that you will faithfully carry all papers sent from the court to the grand jury, or from the grand jury to the court, without alteration or crasement, and without disclosing the contents thereof: so help you, God.

JURY—OFFICER OF.

(22) You swear (or affirm) that you will keep every person, sworn of this jury, together in some private and convenient place, without meat or drink, (water excepted). You shall not suffer any person to speak to them, neither shall you speak to them yourself, unless it be to ask them whether they are agreed in their verdict, but with leave of the court: so help you, God.

JURY, IN A CAPITAL CASE.

(23) You swear (or affirm) that you will well and truly try, and true deliverance make, between the state and the prisoner at the bar, whom you shall have in charge, and a true verdict give according to the evidence: so help you, God.

JURY, IN CRIMINAL ACTIONS NOT CAPITAL.

(24) You and each of you swear (or affirm) that you will well and truly try all issues in criminal actions which shall come before you during this term, and true verdicts give according to the evidence thereon: so help you, God.

[The same oath to talesmen, by using the word "day" instead of "term."]

JURY, IN CIVIL ACTIONS.

(25) The original panels thus: You and each of you swear (or affirm) that you will well and truly try all civil actions which shall come before you during this term, and true verdicts give according to the evidence: so help you, God.

[The same oath to talesmen, by using the word "day" instead of "term."]

JURY, LAYING OFF DOWER.

(26) You and each of you swear (or affirm) that you will, without partiality, and according to your best judgment, lay off and allot to A. B., widow of C. D., such dower in the lands of said C. D. as by law she is entitled to; so help you, God.

JURY, LAYING OFF ROADS AND ASSESSING DAMAGES.

(27) I, A. B., do solemnly swear (or affirm) that I will lay out the road, directed to be laid out by the board of commissioners of the county, to the greatest ease and advantage of the inhabitants, and with as little prejudice to the owners of land, over which the same shall be laid out, as may be; and will truly and impartially assess the damages, which may be awarded by me, for injuries done to lands by the laying out of said road, without favor, affection, malice or hatred, to the best of my skill and knowledge: so help me, God.

JUDGE OF THE SUPREME COURT.

(28) I, A. B., do solemnly swear (or affirm) that, in my office of justice of the supreme court of North Carolina, I will administer justice without respect to persons, and do equal right to the poor and the rich, to the state and to individuals; and that I will honestly, faithfully and impartially perform all the duties of the said office, according to the best of my abilities, and agreeably to the constitution and laws of the state: so help me, God.

JUDGE OF THE SUPERIOR COURT.

(29) I, A. B., do solemnly swear (or affirm) that I will well and truly serve the state of North Carolina, in the office of judge of the superior

court of the said state: I will do equal law and right to all persons, rich and poor, without having regard to any person. I will not wittingly or willingly take, by myself or by any other person, any fee, gift, gratuity, or reward whatsoever, for any matter or thing by me to be done by virtue of my office, except the fees and salary by law appointed; I will not maintain, by myself or by any other person, privately or openly, any plea or quarrel depending in any of the said courts; I will not delay any person of common right, by reason of any letter or command from any person or persons in authority to me directed, or for any other cause whatsoever; and in case any letter or orders come to me contrary to law, I will proceed to enforce the law, such letters or orders notwithstanding; I will not appoint any person to be clerk of any of the said courts, but such of the candidates as appear to me sufficiently qualified for that office; and in all such appointments I will nominate without reward, hope of reward, prejudice, favor, or partiality, or any other sinister motive whatsoever; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public, and to individuals: so help me, God.

JUSTICE OF THE PEACE.

(30) I, A. B., do solemnly swear (or affirm) that as a justice of the peace in the county of....., in all articles in the commission to me directed, I will do equal right to the poor and the rich, to the best of my judgment, and according to the laws of the state; I will not, privately or openly, by myself or any other person, be of counsel in any quarrel or suit depending before me; the fines and amerccments that shall happen to be made, and the forfeitures that shall be incurred, I will cause to be duly entered without concealment; I will not wittingly or willingly take, by myself or by any other person for me, any fee, gift, gratuity, or reward whatsoever for any matter or thing, by me to be done by virtue of my office, except such fees as are or may be directed and limited by statute; but well and truly, I will do my office of justice of the peace; I will not delay any person of common right, by reason of any letter or order from any person in authority to me directed, or for any other cause whatever; and if any letter or order come to me, contrary to law, I will proceed to enforce the law, such letter or order notwithstanding. I will not direct or cause to be directed, to the parties, any warrant by me made, but will direct all such warrants to the sheriffs or constables of the county, or the other officers or ministers of the state, or other indifferent persons, to do execution thereof; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, and according to the best of my skill and judgment, do equal and impartial justice to the public, and to individuals: so help me, God.

PROCESSIONER.

(31) I, A. B., do solemnly swear (or affirm) that I will well and truly execute the duty and trust, enjoined by the act for processioning lands, according to the best of my skill and ability, without favor or partiality, to any person or persons whatsoever: so help me, God.

RANGER.

(32) I, A. B., do solemnly swear (or affirm) that I will well and truly execute the office of ranger, for the county of....., according to the best of my skill and ability: so help me, God.

REGISTER OF DEEDS.

(33) I, A. B., do solemnly swear (or affirm) that I will faithfully and truly, according to the best of my skill and ability, execute the duties of the office of register of deeds for the county of, in all things according to law: so help me, God.

SECRETARY OF STATE.

(34) I, A. B., do swear (or affirm) that I will, in all respects, faithfully and honestly execute the office of secretary of state, of the state of North Carolina, during my continuance in office, according to law: so help me, God.

SHERIFF.

(35) I, A. B., do solemnly swear (or affirm) that I will execute the office of sheriff of county, to the best of my knowledge and ability, agreeably to law; and that I will not take, accept, or receive, directly or indirectly, any fee, gift, bribe, gratuity, or reward whatsoever, for returning any man to serve as a juror, or for making any false return on any process to me directed; and I also swear, that I have not given any fee, gift, gratuity, reward, or other thing whatsoever, to any person, for his vote or interest to procure me to be nominated to the said office; nor will I hereafter give to any person, such fee, gratuity, or reward, for having procured or contributed to procure me to be nominated thereto: so help me, God.

STANDARD KEEPER.

(36) I, A. B., do swear (or affirm) that I will not stamp, seal or give any certificate for any steelyards, weights or measures, but such as shall, as near as possible, agree with the standard in my keeping, and that I will, in all respects, truly and faithfully discharge and execute the power and trust by law reposed in me, to the best of my ability and capacity: so help me, God.

STRAY VALUERS.

(37) You swear (or affirm) that you will well and truly view and appraise the stray, now to be valued by you, without favor or partiality, according to your skill and ability: so help you, God.

SURVEYOR FOR THE COUNTY.

(38) The same, *mutatis mutandis*, with that of entry-taker.

TOBACCO PICKER.

(39) I, A. B., do swear (or affirm) that I will faithfully pick all tobacco which may be put into my possession for that purpose, without fraud or damage to the owner: so help me, God.

STATE TREASURER.

(40) I, A. B., do swear (or affirm) that, according to the best of my abilities and judgment, I will execute impartially the office of state treasurer, in all things according to law, and account for the public taxes; and I will not, directly or indirectly, apply the public money to any other use, than by law directed: so help me, God.

TREASURER FOR A COUNTY.

(41) I, A. B., do solemnly swear (or affirm) that, according to the best of my skill and ability, I will execute impartially the office of treasurer for the county of, in all things according to law; that I will duly and faithfully account for all public moneys that may come into my hands, and will not, directly or indirectly, apply the same, or any part thereof, to any other use than by law directed: so help me, God.

WITNESS TO DEPOSE BEFORE THE GRAND JURY.

(42) You swear (or affirm) that the evidence you shall give to the grand jury, upon this bill of indictment against A. B., shall be the truth, the whole truth, and nothing but the truth: so help you, God.

WITNESS IN A CAPITAL TRIAL.

(43) You swear (or affirm) that the evidence you shall give to the court and jury in this trial, between the state and the prisoner at the bar, shall be the truth, the whole truth, and nothing but the truth: so help you, God.

WITNESS IN A CRIMINAL ACTION.

(44) You swear (or affirm) that the evidence you shall give to the court and jury, in this action, between the state and A. B., shall be the truth, the whole truth, and nothing but the truth: so help you, God.

WITNESS IN CIVIL CASES.

(45) You swear (or affirm) that the evidence you shall give to the court and jury in this cause, now on trial, wherein A. B. is plaintiff, and C. D. defendant, shall be the truth, the whole truth, and nothing but the truth: so help you, God

WITNESS TO PROVE A WILL.

(46) You swear (or affirm) that you saw C. D. execute (or heard him acknowledge the execution of) this writing as his last will and testament; that you attested it in his presence and at his request; and that at the time of its execution (or at the time execution was acknowledged), he was, in your opinion, of sound mind and disposing memory: so help you, God.

OTHER OFFICERS.

(47) Any officer of the state or of any county or township, the form of whose oath is not given above, shall take an oath in the following form: I, A. B., do swear (or affirm) that I will well and truly execute the duties of the office of.....according to the best of my skill and ability, according to law: so help me, God.

Sec. 3316. Deputies to administer oaths in like cases as principals may. R. C., c. 76, s. 7. 1836, c. 27, s. 2.

In all cases where any civil officer, in the discharge of his duties, is permitted by the law to administer an oath, the deputy of such officer, when discharging such duties, shall have authority to administer it, provided he is a sworn officer; and the oath thus administered by the deputy, shall be as obligatory as if administered by the principal officer, and shall be attended with the same penalties in case of false swearing.

CHAPTER FORTY-ONE.

OFFICERS OF STATE.

SECTION.

- 3317. Public officers of the state.
- 3318. Legislative officers.
- 3319. Executive officers, civil and military.
- 3320. Powers and duty of governor.
- 3321. Governor to send copies of statutes and reports to other states.
- 3322. Governor to keep certain records.
- 3323. Records and applications to be preserved.
- 3324. Governor may employ counsel.
- 3325. Governor's residence to be at Raleigh.
- 3326. Governor's mansion; private secretary.
- 3327. Letter book to be carefully preserved in executive office.

SECTION

- 3328. Great seal of state, department and court seals.
- 3329. Design of great seal of state; governor to file impression with secretary of state.
- 3330. Official seal of department of state.
- 3331. New seals, how to be provided.
- 3332. The cost of procuring seals to be paid by state treasurer.
- 3333. The seal of the state may be put upon papers more than once.
- 3334. Day of thanksgiving to be appointed.
- 3335. Council of state to be convened by governor.
- 3336. Applications for pardon, what to contain.

SECTION.	SECTION.
3337. Secretary of state charged with custody of statutes and records.	3356. Duties of state treasurer.
3338. Bond of secretary of state.	3357. Bond of treasurer.
3339. Office hours of secretary of state.	3358. Deputy treasurer, powers and duties.
3340. Duties of the secretary of state.	3359. Treasurer may sue for and collect moneys and property of the state.
3341. Secretary of state to purchase stationery, lights and fuel.	3360. Annual accounts of treasurer, and auditor; close of fiscal year.
3342. Accounts for expenses, how allowed and paid.	3361. Commissioners to examine vouchers.
3343. Statutes, joint resolutions and public documents, the secretary of state to have bound and indexed.	3362. Office hours and office room of treasurer.
3344. Statutes and documents transmitted by secretary of state at the expense of the state.	3363. Attorney general, his duties.
3345. Secretary of state to furnish blank books to state and county officers.	3364. Superintendent of public instruction; office, where kept; duties.
3346. Books furnished the counties at cost.	3365. Common schools under control of superintendent; annual report to governor.
3347. Secretary of state to furnish blank forms for estimates.	3366. What report to contain.
3348. Auditor and treasurer to review estimates.	3367. Superintendent to correspond with educators abroad and investigate school systems of other countries.
3349. Sealed proposals to be advertised for.	3368. Duty to acquaint himself with educational wants of each section of the state.
3350. Auditor, his duties.	3369. Apportionment of school moneys.
3351. Money paid into treasury by mistake, how repaid to owner.	3370. Forms for reports to be printed and distributed to school officers and teachers.
3352. Real property mortgaged to state; foreclosure, sale, distribution of surplus.	3371. Printed and manuscript reports to be filed.
3353. Office hours and room of auditor.	3372. Superintendent of public instruction to deliver property and records of his office to successor.
3354. Banks having state deposits, to transmit monthly statements to auditor.	3373. Costs of actions by or against state officers to be paid by the state.
3355. Bank not to disburse state funds except on check of treasurer, countersigned by auditor.	

Sec. 3317. Public officers of the state. 1868-'9. c. 270, ss. 1, 2.

The public officers of the state are:

(1) Legislative;

(2) Executive;

(3) Judicial.

But this classification shall not be construed as defining the legal powers of either class.

Sec. 3318. Legislative officers. 1868-'9, c. 270, s. 3.

The legislative officers are:

(1) Fifty senators;

(2) One hundred and twenty members of the house of representatives;

(3) A speaker of the house of representatives;

(4) A clerk and assistants in each house;

(5) A doorkeeper and assistants in each house;

(6) As many subordinates in each house as may be deemed necessary.

Sec. 3319. Executive officers, civil and military. 1868-'9, c. 270, ss. 24, 25, 26.

Executive officers are either:

(1) Civil;

(2) Military.

Civil executive officers are:

(1) General, or for the whole state;

(2) Special, or for special duties in different parts of the state;

(3) Local, or for a particular part of the state.

The general civil executive officers of this state are as follows:

(1) A governor;

(2) A lieutenant-governor;

(3) A private secretary for the governor;

(4) A secretary of state;

(5) An auditor;

(6) A treasurer;

(7) An attorney-general;

(8) A superintendent of public instruction;

(9) The members of the governor's council.

Sec. 3320. Powers and duties of governor. 1868-'9, c. 270, s. 27. 1870-'1, c. 111. 1883, c. 71.

In addition to those prescribed by the constitution, the governor has powers and duties prescribed in this and the following sections:

(1) He is to supervise the official conduct of all executive and ministerial officers;

(2) He is to see that all offices are filled, and the duties thereof performed, or in default thereof, apply such rem-

edy as the law allows, and if the remedy is imperfect acquaint the general assembly therewith;

(3) He is to make the appointments and supply the vacancies not otherwise provided for in all departments;

(4) He is the sole official organ between the government of this state and other states, or the government of the United States;

(5) He has the custody of the seal of the state, a description whereof must be deposited with the secretary of state;

(6) Whenever any suit or legal proceeding is pending against the state, or which may result in any claim against the state, or affect the title of this state to any property, he may direct the attorney-general to appear on behalf of the state, and may employ such additional counsel as he may judge expedient; and by direction of the governor, the auditor shall draw his warrant on the treasurer to compensate said counsel.

Sec. 3321. Governor to send copies of statutes and reports to other states. 1868-'9, c. 270, s. 28.

The governor, as soon as published, shall transmit to the executive of every state and territory in the Union, three copies of the statutes of each year, and of the reports of the supreme court, and request a similar transmission to be made to him of the statutes and reports of the higher courts of the several states and territories. When the statutes of any state or territory are received, he shall deposit one copy in the executive library, but in case only one copy is received it shall be deposited in the state library.

Sec. 3322. Governor to keep certain records. 1868-'9, c. 270, s. 29. 1870-'1, c. 111.

The governor shall cause to be kept the following records:

(1) A register of all applications for pardon, or for commutation of any sentence, with a list of the official signatures and recommendations in favor of such application;

(2) An account of all his official expenses and disbursements, including the incidental expenses of his department, and the rewards offered by him for the apprehension of criminals, which shall be paid upon his warrant, approved by the auditor.

Sec. 3323. Records and applications to be preserved. 1868-'9, c. 270, s. 30.

These records and the originals of all applications, petitions and recommendations, and reports therein mentioned, shall be preserved in the office of the governor, but when applications for offices are refused he may, in his discretion, return the papers referring to the application.

Sec. 3324. Governor may employ counsel. 1866, Res., p. 223. 1868-'9, c. 270, s. 6. 1873-'4, c. 160, s. 2. 1883, c. 71.

In every case, civil or criminal, in any court in the state, or in any other state or territory, or in any United States court, if the state of North Carolina is interested therein, the governor shall be authorized to employ such counsel as he may deem proper or necessary to represent the interest of the state, and he may direct the auditor to draw his warrant upon the state treasurer to compensate said counsel.

Sec. 3325. Governor's residence to be at Raleigh. 1868-'9, c. 270, s. 32.

The governor shall reside in the city of Raleigh during his continuance in office.

Sec. 3326. Governor's mansion; private secretary. 1868-'9, c. 270, s. 33. 1876-'7, Res., p. 616.

A convenient and commodious dwelling-house, together with such out-houses as shall be necessary, shall be provided for his accommodation. Until such dwelling-house shall be provided, the rent of the property known as the governor's mansion shall be paid to the governor. He shall appoint a private secretary, who shall enter in books kept for that purpose, all such letters, written by and to the governor, as are official and important, and such other letters as the governor shall think necessary.

Sec. 3327. Letter-book to be carefully preserved in executive office. 1868-'9, c. 270, s. 34.

The letter-book shall be deposited in the office of the executive by the private secretary, and there carefully preserved; and the governor shall produce his letter-books before the general assembly whenever requested.

Sec. 3328. Great seal of the state and court seals. 1868-'9, c. 270, s. 35.

The governor shall procure for the state a seal, which

shall be called the great seal of the state of North Carolina, and a seal for each department of the state government, to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law and the usage established in the public offices; also a seal for every court of record in the state, for the purpose of authenticating the papers and records of such court.

Sec. 3329. Design of great seal; governor to file impression with secretary of state. 1883, c. 392.

The great seal of the state of North Carolina shall be two and one-quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward each other but not more than half fronting each other and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand and a scroll with the word "constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left, the small end of her horn, the mouth of which is resting at her feet, and the contents of the horn rolling out.

It shall be the duty of the governor to file in the office of secretary of state an impression of the great seal, certified to under his hand and attested by the secretary of state, which impression so certified, the secretary of state shall cause to be bound up with the manuscript statutes of the general assembly of the year one thousand eight hundred and eighty-three.

Sec. 3330. Official seal of department of state. 1883, c. 238.

The department of state shall have and use an official seal, which seal shall be two inches in diameter and shall be of the same design as the great seal of state, with the words "State of North Carolina, Department of State," surrounding the figures.

Sec. 3331. New seals, how to be provided. 1868-'9, c. 270, s. 36.

Whenever the great seal of the state, the seal of any department or any seal of a court of record, shall be lost, or so worn or defaced as to render it unfit for use, the governor shall provide a new one, and when new seals are provided, the former ones shall not be used.

Sec. 3332. The cost of procuring seals to be paid by state treasurer. 1868-'9, c. 270, s. 37. 1883, c. 71.

The treasurer shall pay the expense of procuring said seals upon the warrant of the auditor; and the same shall be delivered to the proper officers, who shall give a receipt therefor and be accountable for their safe keeping.

Sec. 3333. The seal of the state may be put upon papers more than once. 1868-'9, c. 270, s. 38.

In all cases where any person may find it necessary to have the seal of the state put again to any public paper, other than a grant for lands, he may prefer his petition to the governor and council, who shall, if they deem the same proper, direct the seal to be put thereto.

Sec. 3334. Day of thanksgiving to be appointed. 1868-'9, c. 270, s. 39.

The governor is directed to set apart a day in every year, and by proclamation give notice thereof, as a day of solemn and public thanksgiving to Almighty God for past blessings and of supplication for his continued kindness and care over us as a state and a nation.

Sec. 3335. Council of state to be convened by governor. 1868-'9, c. 270, s. 40.

The governor may convene his council for consultation, whenever he may deem it proper.

Sec. 3336. Application for pardon, what to contain. 1869-'70, c. 171, s. 1. 1870-'1, c. 61, s. 1.

Every application for pardon must be made to the governor in writing, signed by the party convicted, or by some person in his behalf. And every such application shall contain the grounds and reasons upon which the executive pardon is asked, and shall be in every case accompanied by a certified copy of the indictment, and the verdict and judgment of the court thereon.

State v. Alexander, 76—231.

Sec. 3337. Secretary of state charged with custody of statutes and records. R. C., c. 104, s. 105. 1868-'9, c. 270, s. 41. 1873-'4, c. 129.

The secretary of state is charged with the custody of all statutes and joint resolutions of the legislature, all documents which pass under the great seal, and of all the books, records, deeds, parchments, maps and papers now deposited in his office, or which may hereafter be there

deposited pursuant to law, and he shall from time to time make all necessary provisions for their arrangement and preservation.

Sec. 3338. Bond of secretary of state. 1868-'9, c. 270, ss. 42, 43.

The secretary of state shall give bond with sufficient surety, approved by the governor and auditor, for the sum of twenty thousand dollars, payable to the state, and conditioned for the faithful performance of his duties. And the bond of the secretary of state shall be deposited in the treasurer's office for safe keeping; and he shall take the oath prescribed for public officers.

Sec. 3339. Office hours of secretary of state. 1868-'9, c. 270, s. 44. 1870-'1, c. 111.

The secretary of state shall attend at his office, in the city of Raleigh, between the hours of ten o'clock, a. m., and three o'clock, p. m., on every day of the year, Sundays and legal holidays excepted. He shall be allowed such office room as may be necessary.

Sec. 3340. Duties of the secretary of state. 1868-'9, c. 270, s. 45. 1881, c. 63.

It is the duty of the secretary of state:

(1) To attend at every session of the legislature for the purpose of receiving bills which shall have become laws, and to perform such other duties as may then be devolved upon him by resolution of the two houses, or either of them;

(2) To attend the governor, whenever required by him, for the purpose of receiving documents which have passed the great seal;

(3) To receive and keep all conveyances and mortgages belonging to the state;

(4) To distribute annually the statutes, the legislative journals and documents, and the reports of the supreme court;

(5) To distribute the acts of congress received at his office in the manner prescribed for the statutes of the state;

(6) To keep a receipt book, in which he shall take from every person to whom a grant shall be delivered, a receipt for the same; but he may inclose grants by mail in a registered letter at the expense of the grantee, unless otherwise directed, first entering the same upon the receipt book.

Sec. 3341. Secretary of state to purchase stationery, lights and fuel. R. C., c. 104, s. 6. 1842, c. 48; c. 68. 1873-'4, c. 129.

The secretary of state shall purchase suitable stationery and lights for the offices of the executive department and for the general assembly, the supreme court and state library, upon the best terms the same can be procured. And he shall contract with the lowest bidder, under sealed proposals, for the necessary fuel for the general assembly and the public offices.

Sec. 3342. Accounts for expenses, how allowed and paid. R. C., c. 104, s. 7. 1842, c. 48, s. 1; c. 68, s. 3. 1873-'4, c. 129.

The accounts of the secretary for the expenditures aforesaid, and all other expenses which he may incur, the payment whereof is not otherwise provided, shall be passed on, and, if allowed by the governor and council of state, shall be paid by the treasurer, on a proper certificate of allowance.

Sec. 3343. Statutes, joint resolutions, and public documents, the secretary of state to have bound and indexed. 1866-'7, c. 71. 1868-'9, c. 270, s. 46. 1876-'7, Res., p. 609.

The original statutes and joint resolutions passed at each session of the general assembly, the secretary of state shall immediately thereafter cause to be bound in volumes of convenient size. He shall compare with the original, a copy of the printed statutes; and having noted therein at the end of each statute or resolution any error in the printed copy, deposit the same with the original volume in his office. Each such volume shall be lettered on the back with its title and the date of its session. He shall also cause full and complete indexes to the statutes and legislative documents, to be prepared as soon as practicable after each session of the legislature and deliver them to the printer of the statutes.

Sec. 3344. Statutes and documents transmitted by secretary of state at the expense of the state. 1868-'9, c. 270, s. 48.

The statutes, journals and documents for the use of each county, and for members of the general assembly and other officers therein, shall be transmitted in boxes to the register of deeds of each county, and the rest in such manner as the secretary may think best: the

statutes to be transmitted within ninety days after the adjournment of the general assembly; all to be transmitted at the expense of the state. He shall also put up in boxes the laws directed to be sent by the governor to the several states in the Union, and shall transmit the same at the expense of the state in such manner as the governor shall direct, and he shall offer for sale, at an advance not exceeding ten *per centum*, such number of copies as the senate and assembly may, by joint resolution, direct.

Sec. 3345. Secretary of state to furnish blank books to state and county officers. 1869-'70, c. 141, s. 1. 1869-'70, c. 234, s. 5.

The secretary of state shall also be required to furnish all blank books for record purposes in the departments above named, and all blank books needed by the county commissioners in their several offices, and by registers of deeds, clerks of the superior court, county treasurers, and dockets for justices of the peace. He shall, also, as soon as practicable after requisition is made on him, purchase such books as are herein mentioned, and as may be required by the several counties of the state; and shall forward them to the several registers of deeds, with an invoice enclosed, who shall receipt for the same, and distribute to the proper parties.

Sec. 3346. Books furnished the counties at cost. 1869-'70, c. 234, s. 7.

All blank books shall be supplied to the counties at actual cost.

Sec. 3347. Secretary of state to furnish blank forms for estimates. 1869-'70, c. 234, ss. 8, 9.

It shall be the duty of the secretary of state, on or before the first day of August in each year, to send to the executive, treasurer, auditor, superintendent of public instruction, clerk of supreme court, state librarian, and to the clerks of the houses of the general assembly, a blank estimate of the amount or quantity and kind of stationery, allowed by this chapter, that will be required in their several offices for official use during the next succeeding year, which shall be properly filled and certified and returned to the secretary of state by the tenth day of September following. He shall at the time these estimates are examined submit an estimate of stationery for the use of his office.

Sec. 3348. Auditor and treasurer to review estimates. 1869-'70, c. 234, s. 12.

Immediately upon the receipt of these requisitions, the secretary of state shall summon the auditor and treasurer to attend his office and inspect the amounts of each of said requisitions, and if the requisitions of any officer shall appear to the said board of inspectors excessive and unreasonable, it shall then and there be reduced as in their judgment may be deemed just and proper.

Sec. 3349. Sealed proposals to be advertised for. 1868-'9, c. 270, s. 60. 1869-'70, c. 234, s. 11.

When the inspectors have passed upon and approved or amended the various requisitions, the secretary of state shall prepare a list of the various kinds of stationery required, and the amount of each and the time at which it is required to be delivered, and shall invite sealed proposals to supply the same by advertising at least twice in two weekly issues of four papers in the state. Said sealed proposals must be forwarded to the secretary of state previous to the first day of November, marked on the back of the envelope, "sealed proposals for furnishing stationery," which shall be opened on said day at twelve o'clock, by the secretary of state, in the presence of the auditor and treasurer, and not elsewhere or otherwise; and the lowest bidder for each class, offering sufficient security, to be determined by the officers named in this section, shall be awarded the contract to supply the same; each award thus made shall be signed at the same time by the secretary of state, and no account for stationery furnished shall be audited or paid except on presentation of such award.

Sec. 3350. Auditor; his duties. 1868-'9, c. 270, ss. 63, 64, 65. 1883, c. 71.

It is the duty of the auditor:

- (1) To superintend the fiscal concerns of the state;
- (2) To report to the general assembly, annually, a complete statement of the funds of the state, of its revenues and of the public expenditures during the preceding fiscal year, and, as far as practicable, an account of the same down to the termination of the current calendar year, together with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing fiscal year, specifying therein each object of expenditure and distinguishing between such as are provided for by permanent or temporary appropriations, and such as must be

provided for by a new statute, and suggesting the means from which such expenditures are to be defrayed;

(3) To suggest plans for the improvement and management of the public revenue;

(4) To keep and state all accounts in which the state is interested;

(5) To examine and settle the accounts of all persons indebted to the state, and to certify the amount of balance to the treasurer;

(6) To direct and superintend the collection of all moneys due the state;

(7) To examine and liquidate the claims of all persons against the state, in cases where there is sufficient provision of law for the payment thereof; and where there is no sufficient provision, to examine the claim and report the fact, with his opinion thereon, to the general assembly;

(8) To require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts;

(9) To have the exclusive power and authority to issue all warrants for the payment of money upon the state treasurer; and it shall be the auditor's duty, before issuing the same, to examine the laws authorizing the payment thereof, and satisfy himself of the correctness of the accounts of persons applying for warrants; and to this end he shall have the power to administer oaths, and he shall also file in his office the voucher upon which the warrant is drawn and cite the law upon said warrant;

(10) To keep in his office all leases, mortgages, bonds and other securities for money given to the state, unless otherwise specially directed;

(11) To keep and preserve the certificates of stock of any kind, owned by the state;

(12) To procure from the books of the banks in which the treasurer makes his deposits, monthly statements of the moneys received and paid on account of the treasurer;

(13) To countersign and enter all checks drawn by the treasurer, and all receipts for money paid to the treasurer, and no such receipts shall be evidence of payment, unless so countersigned;

(14) To keep an account between the state and the treasurer, and therein charge the treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn or paid by him;

(15) To examine carefully on the first Tuesday of every month, or oftener if he deems it necessary, the accounts of the debts and credits in the bank book kept by the treasurer, and if he discovers any irregularity or deficiency therein, unless the same be rectified or explained to his satisfaction, to report the same forthwith, in writing, to the governor;

(16) To require, from time to time, all persons who have received moneys or securities, or have had the disposition or management of any property of the state, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statement at such time and in such form as he shall require;

(17) To require any person presenting an account for settlement, to be sworn before him and to answer orally as to any facts relating to its correctness.

Boner v. Adams, 65—639; *Belmont v. Reilly*, 71—260.

Sec. 3351. Money paid into treasury by mistake; how repaid to owner. 1868-'9, c. 270, s. 66.

Whenever the governor and council of state are satisfied that moneys have been paid into the treasury through mistake, they may direct the auditor to draw his warrant therefor on the treasurer, in favor of the person who made such payment; but this provision shall not extend to payments on account of taxes nor to payments on bonds and mortgages.

Sec. 3352. Real property mortgaged to state; foreclosure, sale, distribution of surplus. 1868-'9, c. 270, s. 68.

Whenever any real property mortgaged to the state, or bought in for the benefit of the state, of which a certificate shall have been given to a former purchaser, is sold by the attorney-general on a foreclosure by notice, or under a judgment, for a greater sum than the amount due to the state, with costs and expenses, the surplus money received into the treasury, after a conveyance has been executed to the purchaser, shall be paid to the person legally entitled to such real property at the time of the foreclosure on the forfeiture of the original contract; but the auditor shall not draw his warrant for surplus money, unless upon satisfactory proof, by affidavit or otherwise, of the legal rights of such person.

Sec. 3353. Office hours and room of auditor. 1868-'9, c. 270, ss. 69, 70.

The auditor shall keep his office at the city of Raleigh,

and shall attend thereat between the hours of ten o'clock a. m. and three o'clock p. m., Sundays and legal holidays excepted. He shall be allowed such office room as may be necessary.

Boner v. Adams, 65—639.

Sec. 3354. Banks having state deposits to transmit monthly statements to auditor. 1868-'9, c. 270, s. 72.

The banks having state deposits shall every month transmit to the auditor a statement of the moneys which have been received and paid by them on account of the treasury.

Sec. 3355. Bank not to disburse state funds except on check of treasurer, countersigned by auditor. 1868-'9, c. 270, s. 73.

The treasurer shall not draw, nor shall such bank pay, any moneys on account of the treasury, except by checks subscribed by him as treasurer and countersigned by the auditor.

Sec. 3356. Duties of state treasurer. 1868-'9, c. 270, s. 71.

It is the duty of the treasurer:

(1) To receive all moneys which shall, from time to time, be paid into the treasury of this state.

(2) To keep a bank book, in which shall be entered his account of deposits in bank, and moneys drawn therefrom, and to exhibit the same to the auditor for his inspection on the first Tuesday in every month, and oftener if required.

(3) To pay all warrants legally drawn on the treasurer by the auditor, and no moneys shall be paid out of the treasury except on the warrant of the auditor; to report to the general assembly at its annual session the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the preceding fiscal year, and so far as practicable, an account of the same down to the termination of the current calendar year.

Sec. 3357. Bond of treasurer. 1868-'9, c. 270, s. 74. 1870-'1, c. 111.

The treasurer shall, after he receives notice of his election, and before he enters upon the execution of the duties of his office, give a bond to the state in the sum of two hundred and fifty thousand dollars, with not less

than four sufficient sureties, to be approved by the president of the senate and speaker of the house of representatives, conditioned that he will faithfully execute the duties of his office, which bond shall be deposited in the office of the secretary of state, and shall be deemed to extend to the faithful execution of the office of treasurer by the person elected thereto, until a new election of treasurer be made, and a new bond given by the person elected.

Sec. 3358. Deputy treasurer; powers and duties. 1868-'9, c. 270, s. 76.

The chief clerk of the treasurer may perform any duties of the treasurer except signing checks. The treasurer is responsible for the conduct of his clerks.

Sec. 3359. Treasurer may sue for and collect moneys and property of state. 1866, c. 46, s. 1.

The treasurer is authorized to demand, sue for, collect and receive all money and property of the state not held by some person under authority of law, and to sell said property at such time and place, and under such terms as he may deem best.

Sec. 3360. Annual accounts of treasurer and auditor; close of fiscal year. 1868-'9, c. 270, s. 77. 1883, c. 60, s. 1.

The fiscal year of the state government shall annually close on the thirtieth day of November. The accounts of the treasury, the auditor, and the charitable and penal institutions of the state shall be annually closed on that date. The accounts of the state treasurer shall be examined during the month of December by commissioners appointed for that purpose at each session of the general assembly, to consist of two senators and three representatives. For the performance of this duty the said commissioners shall receive the same per diem for the number of days engaged therein, at the office of the state treasurer, and mileage to and from the city of Raleigh, that are paid to members of the general assembly.

Sec. 3361. Commissioners to examine vouchers. 1868-'9, c. 270, ss. 78, 79.

The commissioners shall examine the accounts and vouchers relating to all moneys received into and paid out of the treasury during the preceding fiscal year, and shall certify and report to the legislature at its next ses-

sion the amount of moneys received and the amount of moneys paid out of the treasury during such year, by virtue of warrants drawn on the treasury by the auditor, the amount of moneys received by the treasurer when he entered his office, and the balance in the treasury at the close of the fiscal year. They shall also compare the warrants drawn by the auditor on the treasury during such fiscal year, with the several laws under which the same purport to have been drawn, and shall in like manner certify and report whether the auditor had power to draw such warrant; and if any are found which, in the opinion of the commissioners, he had no power to draw, they shall be specified, with the reasons for the opinion. Whenever the treasurer dies or resigns during his term or is succeeded at the expiration of his term by another, these commissioners shall examine his accounts.

Sec. 3362. Office hours and office room of treasurer. 1868-'9, c. 270, ss. 80, 81.

The treasurer shall keep his office at the city of Raleigh, and shall attend there between the hours of ten o'clock, a. m., and three o'clock, p. m., Sundays and legal holidays excepted. He shall be allowed such office room as may be necessary.

Sec. 3363. Attorney-general, his duties. 1868-'9, c. 270, s. 82. 1871-'2, c. 112, s. 2.

It shall be the duty of the attorney-general:

(1) To defend all actions in the supreme court in which the state shall be interested, or is a party; and also when requested by the governor or either branch of the general assembly to appear for the state, in any other court or tribunal, in any cause or matter, civil or criminal, in which the state may be a party or interested;

(2) At the request of the governor, secretary of state, treasurer, auditor or superintendent of public instruction, he shall prosecute and defend all suits relating to matters connected with their departments;

(3) To consult with and advise the solicitors, when requested by them, in all matters pertaining to the duties of their offices;

(4) To give, when required, his opinion upon all questions of law submitted to him by the general assembly, or by either branch thereof, or by the governor, auditor, treasurer, or any other state officer;

(5) To pay all moneys, received for debts due or

penalties to the state, immediately after the receipt thereof, into the treasury;

(6) To report the decisions of the supreme court.

Sec. 3364. Superintendent of public instruction, office where kept; duties. 1868-'9, c. 270, s. 85. 1870-'1, c. 111.

The superintendent of public instruction shall keep his office at the seat of government. He shall provide a seal for his office; and copies of his acts and decisions, and of papers kept in his office, and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall sign all requisitions on the auditor for the payment of money out of the state treasury for school purposes. He shall be furnished with such office room as may be necessary.

Sec. 3365. Common schools under control of superintendent; annual report to governor. 1868-'9, c. 270, ss. 87, 88.

The superintendent of public instruction shall direct the operations of the system of common schools and enforce the regulations and laws in relation thereto. He shall report to the governor annually on the first of November. The governor shall transmit such report to the general assembly.

Sec. 3366. What report to contain. 1868-'9, c. 270, s. 89.

Said report shall contain a statement of the condition of the public schools; full statistical tables by counties, showing among other statistics, the number of school children in the state; the number attending public schools, and the average attendance; the number attending private schools, and the number not attending any school; the amount of state school fund, the sources from which derived and how apportioned, the amount raised by county and district taxes, and from other sources of revenue for school purposes; the amount expended for salaries of teachers, for building, improving and preserving school houses; a statement of plans for the management and improvement of schools and school buildings; of the condition of the state and normal schools; of all incorporated literary institutions required to report to him; of the educational department of the state penitentiary; of the asylum for the deaf and dumb and the blind, and of all other educational institutions to which state appropriations may be made.

Sec. 3367. Superintendent to correspond with educators abroad, and investigate school systems of other countries. 1868-'9, c. 270, s. 90.

It shall be the duty of the superintendent of public instruction to correspond with educators abroad and to investigate the system of free schools established in other states and countries, and as perfectly as possible render the results of educational efforts and experiences available for the information and aid of the legislature and board of education.

Sec. 3368. Duty to acquaint himself with educational wants of each section of the state. 1868-'9, c. 270, s. 91.

It shall be the duty of the superintendent of public instruction to acquaint himself with the peculiar educational wants of each section of the state, and he shall take all proper means to supply them by visiting schools, advising teachers, counseling with boards of county commissioners and superintendents, by lectures before institutes and addresses to public assemblies on subjects pertaining to public schools.

Sec. 3369. Apportionment of school moneys. 1868-'9, c. 270, s. 92.

The superintendent of public instruction, after the state auditor reports to him as required in this chapter, shall apportion to the several counties the school moneys to which each may be entitled, and shall furnish to the state auditor, to each county treasurer and to the commissioners of each county an abstract of such apportionment, and shall draw his order on the state auditor in favor of each county treasurer for the amount of state school fund to which such county is entitled, and shall take each treasurer's receipt for the same.

Sec. 3370. Forms for reports to be printed and distributed to school officers and teachers. 1868-'9, c. 270, s. 93.

The superintendent of public instruction shall prepare and cause to be printed, suitable forms for making all reports and conducting all necessary proceedings under this chapter, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith.

Sec. 3371. Printed and manuscript reports to be filed. 1868-'9, c. 270, s. 94.

The superintendent of public instruction shall file, ar-

range and cause to be bound in a substantial form all valuable printed and manuscript reports in his office.

Sec. 3372. Superintendent of public instruction to deliver property and records of his office to successor. 1868-'9, c. 270, s. 96.

The superintendent of public instruction shall, at the expiration of his term of office, deliver, on demand, to his successor all property, books, documents, maps, records, reports and other things belonging to his office.

Sec. 3373. Costs of actions by or against state officers to be paid by the state. 1874-'5, c. 154.

In all civil actions depending, or which may be instituted, by any of the officers of the state, or which have been, or shall be instituted against them, when any such action is brought or defended pursuant to the advice of the attorney-general, and the same shall be decided against such officers, the costs thereof shall be paid by the state treasurer upon the warrant of the auditor for the amount thereof as taxed.

CHAPTER FORTY-TWO.

OVERSEERS.

SECTION.

3374. Overseer leaving his employer to forfeit wages.

Sec. 3374. Overseer leaving his employer to forfeit wages. R. C., c. 80. 1741, c. 35, s. 22.

If any person shall contract to serve as an overseer upon wages or a share of the produce and shall absent himself or depart from the service of his employer before the time mentioned in his agreement or contract shall expire, he shall forfeit all right to wages or share of the produce.

Steed v. McRae, 1 D. & B., 435; Smith v. Cameron, 11 Ired., 572; Hobbs v. Riddiek, 5 Jon., 80; Hendrickson v. Anderson, 5 Jon., 246; Fly v. Armstrong, 5 Jon., 339; Lane v. Phillips, 6 Jon., 455; Woodley v. Bond, 66—336; Whitaker v. Smith, 81—340.

CHAPTER FORTY-THREE.

OYSTERS AND OTHER FISH.

SECTION.	SECTION.
3375. Penalty for using drag-nets in Pamlico sound to catch terrapins, or instruments except tongs to take oysters, unless, &c.	navigable streams, or obstructing passage of fish.
3376. Non-residents not allowed to use drag-nets and other instruments.	3388. For erecting stand, &c., in waters left open for passage of fish, or not keeping slopes open.
3377. When unlawful to take diamond-back terrapins, what size they must be, unlawful to destroy their eggs; misdemeanor, penalty, proviso; possession <i>prima facie</i> evidence of guilt; duty of sheriff and other officers, &c.	3389. Offences herein created indictable.
3378. Net, &c., not to be used in half a mile of marshes between Croatan and Pamlico sounds.	3390. Inhabitant of state authorized to make oyster beds under license.
3379. Non-residents forbidden to fish for profit in waters of the state; sales, &c.	3391. Clerk of superior court to grant license.
3380. Penalty therefor.	3392. County commissioners to cause surveys to be made, &c.; penalties, &c.
3381. In what direction nets to be set in Pamlico sound.	3393. Penalty for injuring beds; misdemeanor.
3382. Fishing stakes in Pamlico and Albemarle sounds, &c., to be removed by June.	3394. To promote the growth of oysters in New river.
3383. Dutch and pod nets prohibited in Roanoke, Cashie and Middle rivers, &c.	3395. Regulating the size of the meshes of drag-nets and seines to be used in Neuse and Trent rivers and their tributaries.
3384. Right to establish fisheries, prior right; platforms, and penalty for damaging them.	3396. Prohibiting the use of drift-nets in certain waters; proviso.
3385. Masters of vessels wantonly injuring seines or nets, penalty on.	3397. Prohibiting the use of pod or dutch-nets in the waters of the Neuse and the Trent and their tributaries.
3386. Fish offal not to be cast into navigable waters, &c.	3398. To prevent the obstruction of the passage of fish in Hiwassee river.
3387. Penalty for setting nets across	3399. Preventing the hauling of seines and drag-nets in Hiwassee, Notley and Valley rivers, in Cherokee county, in certain seasons.
	3400. Prohibiting the obstruction of the waters of Little river.

SECTION.

- 3401. Preventing the destruction of fish in Nantahela river and its tributaries.
- 3402. Fish-ways on Haw river in the county of Chatham.
- 3403. Protection of the fish interest in the Cape Fear river.
- 3404. To protect fish in Lumber river in the counties of Columbus and Robeson.
- 3405. Misdemeanor to use dyuamite cartridge.
- 3406. To remove the obstructions to the passage of fish and to provide fish-ways.
- 3407. To protect fish in Tyrrell county.
- 3408. To protect fish in the Scuppernong river in Tyrrell county.
- 3409. To prevent the destruction of fish in the waters of Black river and Six Runs, in the counties of New Hanover, Sampson and Cumberland, and in the waters of the Cape Fear and its branches.
- 3410. To protect the fish interest in North Carolina.
- 3411. Sluice-ways to be constructed, penalty for failure; to be kept open, penalty for failure, &c.
- 3412. All obstructions to be opened; penalty for failure.
- 3413. Fines and penalties collected under this chapter.
- 3414. Fishermen in certain sounds required to remove stakes

SECTION.

- within thirty days; misdemeanor; penalty.
- 3415. Lay or embargo days established in Pamlico and Tar rivers; unlawful to seine for shad or herring, when.
- 3416. Unlawful to seine, &c., in Pamlico and Tar rivers within certain hours.
- 3417. Unlawful to fish with pound nets, &c., or to place stationary obstructions in Pamlico and Tar rivers.
- 3418. Unlawful to rob gill nets, &c., in Pamlico and Tar rivers.
- 3419. Misdemeanor; penalty; proviso.
- 3420. Unlawful to use dutch, &c., nets in Carteret county; penalty; misdemeanor; proviso, &c.
- 3421. Unlawful to use fyke nets, &c., in Masouboro and Myrtle Grove sounds; misdemeanor.
- 3422. Unlawful to obstruct passage of fish in Neuse river; proviso; misdemeanor.
- 3423. Unlawful to take oysters from Myrtle Grove sound, when; misdemeanor and proviso.
- 3424. Unlawful to use nets with meshes larger than one and one-half inch; misdemeanor.
- 3425. Unlawful to obstruct certain streams in Henderson county, or to use seine or net; penalty.
- 3426. Laws prohibiting the carrying of oysters from state by citizens, for sale, repealed.

Sec. 3375. Penalty for using drag-nets in Pamlico sound to catch terrapins; or instruments except tongs to take oysters, unless, &c. R. C., c. 81, s. 3. 1822, c. 1134, s. 4. 1883, c. 116, c. 203.

If any person, who is not a citizen of the state, shall use drag-nets in the waters of Pamlico sound, for the purpose of catching terrapins; or if any person whatever shall use any drag, or other instrument, except such

tongs as are generally used for catching oysters, within any of the waters of the state, the person so offending shall forfeit and pay one hundred dollars: *Provided*, the owner or tenant of any private oyster ground may use any scoop, drag, or other instrument, to take oysters therein. *Provided further*, in the waters of Pamlico and Roanoke sounds, no person shall use any drag or other instrument in less than eight feet of water, except such tongs as are generally used for catching oysters.

Sec. 3376. Non-residents not allowed to use drag-nets and other instruments. 1883, c. 116, ss. 3, 4.

This chapter shall not be construed so as to allow any person who is not a citizen of the state to use drag-nets or other instruments in any of the waters of the state for the purpose of catching terrapins or oysters; and all persons not citizens of the state who shall use any drag-net or other instruments for such purpose, shall be subject to a penalty of one hundred dollars and shall be guilty of a misdemeanor.

Sec. 3377. When unlawful to take diamond-back terrapins, what size they must be, unlawful to destroy their eggs; misdemeanor, penalty, proviso; possession *prima facie* evidence of guilt; duty of sheriff and other officers, &c. 1881, c. 115, ss. 1, 6.

It shall be unlawful for any person to take or catch diamond-back terrapins between the fifteenth day of April and the fifteenth day of August in each year, or any diamond-back terrapins, at any time, of a less size than five inches in length upon the bottom shell, or to interfere with, or in any manner destroy any eggs of the diamond-back terrapin; and any person violating this section shall be guilty of a misdemeanor, and shall be fined not less than five dollars, nor more than ten dollars, for each and every diamond-back terrapin so taken or caught, and a like sum for each and every egg interfered with or destroyed: *Provided*, this section shall not apply to parties empowered by the state to propagate the said diamond-back terrapins; and the possession of any diamond-back terrapin between the fifteenth days of April and August shall be *prima facie* evidence that the person having the same has violated this section. It shall be the duty of all sheriffs and constables to give immediate information, to some justice of the peace, of any violation of this section.

Sec. 3373. Net, &c., not to be used in half a mile of marshes between Croatan and Pamlico sounds. R. C., c. 81, s. 4. 1844, c. 40, s. 3.

No person, for the purpose of taking fish between the first day of February and the first day of May, of the same year, shall use or cause to be used, at or within half a mile of the marshes separating the waters of Croatan and Pamlico sounds, any weir, hedge, net or seine.

Sec. 3379. Non-residents forbidden to fish for profit in waters of the state; sales, &c. R. C., c. 81, s. 5. 1844, c. 40, s. 1. 1876-'7, c. 33. 1883, c. 171.

No person shall use, or cause to be used, in any of the navigable waters of the state, any weir, hedge, net, or seine, for the purpose of taking fish for sale or exportation, or any tongs or drags for the purpose of taking oysters, unless he shall have resided continuously in the state at least twelve months next preceding the day on which he shall begin to take fish or oysters; nor shall any person assist in using, or be interested in using or causing to be used, in any of such waters for the purpose aforesaid, any weir, hedge, net, seine, tongs or drags in the use of which any such non-resident person may have an interest: *Provided*, nothing herein shall prevent any person from fishing with seines hauled to the shore at any fishery, the title to which fishery or any interest therein may have been acquired by such person by purchase or inheritance: *Provided further*, this section shall not extend to servants employed to fish by any person allowed to fish in the navigable waters of the state: *Provided also*, no non-resident of the state shall make any sale, assignment or transfer of any fishery, weir, or other fishing apparatus, or privilege mentioned in said section, to any citizen of the state for the purpose of operating and working said fishery, weir, or other fishing apparatus as aforesaid, under the name and ownership of such citizen, or as the servant or employee of any citizen, and any sale, transfer or assignment not made *bona fide* and for a full consideration, shall be null and void. Upon affidavit founded upon information and belief that any non-resident of the state is operating any such fishery, weir, or other fishing apparatus as aforesaid in the waters of the state, under such sale, assignment or transfer as the pretended servant or employee of any citizen of the state, it shall be the duty of the justice of the peace, before whom said affidavit is made, to issue a warrant against the said non-resident and citizen under whose name said

fishery is operated, and upon conviction the said offenders shall be guilty of a misdemeanor, and shall, for every offence, be fined not more than fifty dollars, or imprisoned not more than thirty days. Upon the said trial, the burden of proof shall be on the defendants to prove the *bona fides* and full consideration of said sale or transfer.

Sec. 3380. Penalty therefor. R. C., c. 81, s. 6. 1844, c. 40, s. 2.

Any person who shall violate the preceding section, shall, for every offence, forfeit one hundred dollars; one-half to the use of the person suing for the same, and the other half to the common school fund of the county where the offence is committed.

Sec. 3381. In what direction nets to be set in Pamlico sound. R. C., c. 81, s. 7. 1844, c. 40, s. 6.

Every net (unless the same be a drag-net and hauled to the shore), which may be used for catching shad in that portion of the waters of Pamlico sound, lying between a line drawn eastwardly from Stumpy Point, and the southern side of Long Shoal in said sound, shall be set and fixed in said waters, in a direction from north to south, and shall not be used in any other manner; and any person offending against this section, shall, for every offence, forfeit five dollars.

Sec. 3382. Fishing stakes in Pamlico and Albemarle sounds, &c., to be removed by June. R. C., c. 81, s. 8. 1844, c. 40, s. 7. 1852, c. 13.

Every person who may set or use, in any of the navigable waters of Pamlico, Croatan, Currituck, and Albemarle sounds, or their tributaries, any fishing stake or pole, shall remove the same by the first day of June; and every person offending against this section, shall, for every stake not so removed, forfeit and pay five dollars.

Sec. 3383. Dutch and pod nets prohibited in Roanoke, Cashie and Middle rivers, &c. 1874-'5, c. 115, ss. 1, 2, 3, 4.

It shall be unlawful for any person to set or fish a dutch net or pod net in Roanoke river, Cashie or Middle rivers, or within two miles of the mouth of said rivers, or within one mile of the mouth of any other river emptying into Albemarle sound; and it shall be unlawful for

any person to set or fish with a dutch net or pod net within half a mile to the eastward or westward of the outside windlasses or snatch-blocks of any seine fishery in operation on said sound; and any such net set or fished within one mile of such windlasses or snatch-blocks of any seine fishing in operation shall run in a due north and south course from the shore, and shall not extend further into the sound from the water's edge than the distance from such windlasses or snatch-blocks to the line of such net; and all persons who shall set or fish any such net in said sound shall pull up and remove the stakes used for the same by the first day of June next succeeding the fishing season, and if any person shall set or fish any dutch net or pod net in said sound in violation of this section he shall be guilty of a misdemeanor, and be subject to a penalty of three hundred dollars, to be recovered by any person in the superior court of the county in which the offence shall be committed. And the sheriff of such county shall, when requested, remove any portion of such nets set or fished in violation of this section at the cost of the violator.

Tatum v. Sawyer, 2 Hawks, 226; *Collins v. Benbury*, 3 Ired., 277; *Collins v. Benbury*, 5 Ired., 118; *Hatfield v. Grimstead*, 7 Ired., 139; *Lewis v. Keeling*, 1 Jon., 299; *Ward v. Willis*, 6 Jon., 183; *Skinner v. Hettrick*, 73—53; *Hettrick v. Page*, 82—65.

Sec. 3384. Right to establish fisheries, prior right; platforms, and penalty for damaging them. 1874-'5, c. 183, ss. 1, 2, 3, 4, 5, 6.

Whenever any person shall acquire title to lands covered by navigable water under the chapter entitled "Entries and Grants," the owner or person so acquiring title shall have the right to establish fisheries upon said lands; and whenever the owners of such lands shall improve the same by clearing off and cutting therefrom logs, roots, stumps or other obstructions, so that the said land may be used for the purpose of drawing or hauling nets or seines thereon for the purpose of taking or catching fish, then and in that case the person who makes or causes to be made the said improvements, his heirs and assigns, shall have prior right to the use of the land so improved, in drawing, hauling, drifting or setting nets or seines thereon, and it shall be unlawful for any person, without the consent of such owner, to draw or haul nets or seines upon the land so improved by the owner thereof for the purpose of drawing or hauling nets or seines thereon; and this section shall apply where the owner of such

lands shall erect platforms or structures of any kind thereon to be used in fishing with nets and seines; and every person who shall wilfully destroy or injure the said platform or structures, or shall interfere with or molest the owner in the use of such lands as aforesaid, or in any other manner shall violate this section, shall be guilty of a misdemeanor: *Provided*, this section shall not be so construed as to relieve any person from punishment for the obstruction of navigation.

Tatum v. Sawyer, 2 Hawks, 226; Collins v. Benbury, 3 Ired., 277; Collins v. Benbury, 5 Ired., 118; Hatfield v. Grimstead, 7 Ired., 139; Lewis v. Keeling, 1 Jon., 299; Ward v. Willis, 6 Jon., 183; Skinner v. Hettrick, 73—53; Hettrick v. Page, 82—65.

Sec. 3385. Masters of vessels wantonly injuring seines or nets, penalty on. R. C., c. 81, s. 9. 1848, c. 61, ss. 1, 2.

Any master or other person having the management or control of a vessel or boat of any kind, in the navigable waters of the state, who shall wilfully, wantonly, and unnecessarily do injury to any seine or net, which may be lawfully hauled, set or fixed in said waters for the purpose of taking fish, shall forfeit and pay to the owner of such seine or net, or other person injured by such act, one hundred dollars.

Sec. 3386. Fish offal not to be cast into navigable waters, &c. R. C., c. 81, s. 10. 1844, c. 40, s. 4.

No person shall throw, or cause to be thrown, into the channel of any of the navigable waters of the state, any fish offal, in any quantity that shall be deemed likely to hinder or prevent the passage of fish along such channel.

Sec. 3387. Penalty for setting nets across navigable streams or obstructing passage of fish. R. C., c. 81, s. 11. 1796, c. 454, ss. 1, 2, 3.

No person shall set a net of any description across the main channel of any navigable river or creek, or shall erect, so as to extend more than three-fourths of the distance across such channel, any stand, dam, weir, hedge or other obstruction to the passage of fish; and every person so offending shall forfeit and pay forty dollars.

Sec. 3388. For erecting stand, &c., in waters left open for passage of fish, or not keeping slopes open. R. C., c. 81, s. 12. 1787, c. 272, s. 2. 1844, c. 66.

Every person who shall erect any stand, dam, weir, or

hedge, in such part of any river or creek that may be left open for the passage of fish, or who having erected any dam where the same was allowed, and shall not make and keep open such slope, as the commissioners appointed as prescribed in the chapter entitled "Rivers and Creeks" may judge necessary, shall forfeit and pay ten dollars for every twenty-four hours he shall not keep open, or shall obstruct, such passage or slope.

Sec. 3389. Offences herein created, indictable. R. C., c. 81, s. 13.

Every person who shall take live oysters from the water to be burned into lime, or who shall commit any of the offences in this chapter created, shall be guilty of a misdemeanor.

Sec. 3390. Inhabitant of state authorized to make oyster beds under license. 1883, c. 332, ss. 1, 2.

Any inhabitant of this state may make a bed in any of the waters of this state and lay down or plant oysters or clams therein, having first obtained license as hereinafter directed from the superior court clerk of the county wherein such bed may be, and he may stake out the grounds so as to include not exceeding ten acres with good and substantial stakes, extending at least two feet above high water mark, and placed at such intervals as to make the boundaries of such bed or garden distinctly known; and every person who shall obtain such license shall hold the same and have exclusive privilege thereof to him, his heirs and assigns. But no person may have more than one such bed in the same county. *Provided*, nothing herein shall be construed to affect the rights of any owner or proprietor of lands in which there may be creeks or inlets, or which may be adjacent to any navigable waters, or to authorize any person to appropriate to his own use, or to stake off and enclose any natural oyster or clam bed, or in any wise to infringe the common right of the citizens of the state to any such natural bed, or to obstruct the free navigation of the waters aforesaid.

Sec. 3391. Clerk of superior court to grant license. 1883, c. 332, s. 3.

The clerks of the superior courts may, in their discretion, grant license to make such oyster or clam bed to any inhabitant of this state who shall make application in writing describing particularly the place whereon he desires to make such bed.

Sec. 3392. County commissioners to cause surveys to be made, &c. 1883, c. 332, s. 4.

The board of county commissioners may in their discretion cause to be made, not oftener than once in twelve months, a survey and examination of any or every such oyster or clam bed or garden in their county, the result of which examination or survey shall be reported under oath to the clerk of the superior court; and if it be found that the holder of such license as aforesaid has included within his stakes any natural oyster or clam bed, or a space containing more than ten acres, he shall forfeit such license and all the rights and privileges thereto belonging: further, if the holder of such license fail for the space of two years either to use such bed or to keep it properly designated by stakes, he shall forfeit such license and all the rights and privileges therein granted.

Sec. 3393. Penalty for injuring beds; misdemeanor. 1883, c. 332, s. 5.

If any person shall do any injury to such beds or to the stakes thereof, or shall gather or take away any oysters or clams within the lines of the stakes aforesaid without permission first had from the owners thereof, he shall forfeit for each offence the sum of ten dollars, and if any person shall commit any such offence in the night time, he shall forfeit for each offence the sum of twenty-five dollars, and the penalties herein created may be recovered by a warrant before a justice of the peace by any person who may sue therefor; and, in addition to the penalties already prescribed in this section, such offender shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not more than thirty days.

Sec. 3394. To promote the growth of oysters in New river. 1881, c. 46, ss. 1, 2.

No person shall remove oysters from natural oyster beds in New river from the fifteenth day of May to the first day of September in each year; and any person violating this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars for every offence.

Sec. 3395. Regulating the size of the bars of drag-nets and seines to be used in Neuse and Trent rivers and their tributaries. 1881, c. 146, ss. 1, 2.

No person shall use any drag-net or seine with bars of a less size than one and a quarter inch in the Neuse and

Trent rivers, or in any of the tributaries thereof: *Provided*, any person may use drag-nets and seines with bars of a less size, from the fifteenth day of January to the fifteenth day of May for the purpose of catching herring: *Provided further*, this section shall not apply to the waters of the Neuse and its tributaries above the Wayne and Johnston county lines, and any person violating this section shall be guilty of a misdemeanor, and fined not less than five nor more than fifty dollars for every offence.

Sec. 3396. Prohibiting the use of drift nets in certain waters; proviso. 1881, c. 274, ss. 1, 2. 1883, c. 145.

No person shall drift or fish any drift nets between the first day of February and the first day of May of each year, within two miles of the mouth of any river emptying into Albemarle sound, or within three miles of any seine-beach on the Albemarle or Croatan sounds while being fished, or within ten miles of Ocracoke, Hatteras, Oregon or New inlets, or within ten miles of the Roanoke marshes; and any one violating this section shall be guilty of a misdemeanor, and fined not less than fifty dollars or imprisoned not less than thirty days: *Provided*, the people of Dare county shall be allowed to use drift nets for herring.

Sec. 3397. Prohibiting the use of pod or dutch nets in the waters of the Neuse and Trent and their tributaries. 1881, c. 371, ss. 1, 2.

No person shall use any pod or dutch net in any of the waters of the Neuse or the Trent river, or their tributaries, and any person violating this section shall be guilty of a misdemeanor, and fined not less than five dollars nor more than fifty dollars, or imprisoned not more than thirty days, for each day said net shall remain in said waters.

Sec. 3398. To prevent the obstruction of the passage of fish in Hiwassee river. 1881, c. 11, ss. 1, 2, 3.

No person shall make, construct or build any dam, drag-net or seine across more than three-fourths of Hiwassee river, so as to prevent or hinder the free passage of fish in said river, and any person making or using any dam, drag-net or seine in said river, shall leave open and unobstructed to the free passage of fish at least one-fourth of said river, in width, on the side most favorable to the passage of fish. Any person offending against this section

shall be guilty of a misdemeanor, and fined not more than ten dollars for each twenty-four hours said river is so obstructed, one-half to the use of the school fund, the other half to the use of the county in which such violation occurs.

Sec. 3399. Preventing the hauling of seines and drag-nets in Hiwassee, Notley and Valley rivers in Cherokee county in certain seasons. 1881, c. 12, ss. 1, 2.

No person shall fish with seines or drag-nets in the Valley river, Notley and Hiwassee rivers, in the county of Cherokee, from the fifteenth of March to the first day of June in each year, and any person violating this section 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.

Sec. 3400. Prohibiting the obstruction of the waters of Little river. 1881, c. 18, s. 1.

No person shall place any obstruction in Little river, dividing the counties of Pasquotank and Perquimans, and allow it to remain for a longer time than ten days, and any person so doing shall be guilty of a misdemeanor, and fined not less than five dollars, nor more than ten dollars: *Provided*, nothing in this section shall be so construed as to prohibit citizens from fishing with dip-nets in said river during the months of March and April in each year.

Sec. 3401. Preventing the destruction of fish in Nantahela river and its tributaries. 1881, c. 30, ss. 1, 3.

No person shall use any drag-net, basket or seine for the purpose of catching fish in Nantahela river or its tributaries, and any person violating this section shall be guilty of a misdemeanor, and fined not less than five nor more than twenty dollars for each offence, one-half to go to the school fund of the county where such offence is tried, the other half to the informer; and whenever the Nantahela river forms the dividing line between any counties, persons offending against this section may be prosecuted and punished in the courts of any of the counties between which the said river constitutes the dividing line.

Sec. 3402. Fish-ways on Haw river, in the county of Chatham. 1881, c. 343, ss. 1, 2.

All persons maintaining dams across Haw river in the

county of Chatham, shall, upon thirty days' notice from the board of commissioners of said county, establish fishways in said dams; and if said fish-ways shall not be made within three months from the service of the notice, said persons so offending shall be guilty of a misdemeanor, and fined at the discretion of the court.

Sec. 3403. Promotion of the fish interest in the Cape Fear river. 1881, c. 280, s. 1.

Catching shad in the Cape Fear river from the fifteenth day of May to the first day of January in seines or nets shall be a misdemeanor, and any person convicted of the same shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.

Sec. 3404. To protect fish in Lumber river in the counties of Columbus and Robeson. 1881, c. 288, ss. 1, 2. 1883, c. 13, 78.

It shall be unlawful for any person to use any seine, net or gig, or by muddying the water or by shooting, to catch, take or kill fish in the Lumber river, by any means except the ordinary rod, line and hook, from the first day of March to the first day of November in each and every year; and any person violating this section shall be guilty of a misdemeanor, and shall pay a fine of forty dollars, or be imprisoned not more than twenty days.

Sec. 3405. Misdemeanor to use dynamite cartridge. 1879, c. 259, s. 1.

Any person using the dynamite cartridge, or any other explosive agent that destroys both old and young fish alike, shall be guilty of a misdemeanor and fined not less than five dollars nor more than twenty-five dollars for every time such explosive agent is used.

Sec. 3406. To remove the obstructions to the passage of fish, and to provide fishways. 1879, c. 244, ss. 1, 2. 1881, c. 90.

No person or corporation shall place or allow to remain in the South Fork river, from its mouth in Gaston county to its forks in Catawba county, any obstruction to the free passage of fish up said stream: *Provided*, this section shall not apply to mill dams where the owners thereof shall construct a sufficient fish-way over said dams at least ten feet wide which will allow fish to pass over said dams. *Provided further*, this section shall not apply

to dams in existence, or which may be erected for manufacturing or milling purposes. The violation of this section shall be a misdemeanor.

Sec. 3407. To protect fish in Tyrrell county. 1881, c. 70, ss. 1, 2.

No person shall throw or cause to be thrown into the waters known as the "Frying Pan," tributary to the Great Alligator river, in Tyrrell county, any fish offal in any quantities whatsoever, and every person offending against this section shall be guilty of a misdemeanor, and fined a sum not to exceed fifty dollars or imprisoned not to exceed thirty days.

Sec. 3408. To protect fish in the Scuppernong river in Tyrrell county. 1881, c. 168, ss. 1, 2. 1883, c. 131.

No person shall set any kind of a fish weir or pod net or fish net in the Scuppernong river using more than one-half of the channel of said river, nor within one-fourth of a mile of the public bridges at Columbia and the Cross Landing, crossing said river, and every person offending against this section shall be guilty of a misdemeanor, and fined a sum not to exceed fifty dollars, or imprisoned not to exceed thirty days. All fines collected under this section shall be applied to the school fund of the county: *Provided*, this section shall not apply to the hauling of seines.

Sec. 3409. To prevent the destruction of fish in the waters of Black river and Six Runs, in the counties of New Hanover, Sampson, Cumberland, and in the waters of the Cape Fear and its branches. 1871-'2, c. 152, ss. 1, 2. 1879, c. 283. 1881, c. 369.

No person shall catch or destroy with seines, nets, fire-arms, bows and arrows, or by muddying or stirring the waters, or by striking any fish of any kind in the waters of Black or South rivers, in the counties of New Hanover, Sampson, Cumberland and Harnett, and of the waters of Six Runs in the counties of New Hanover and Sampson, and of the waters of the Cape Fear river in the counties of New Hanover and Brunswick, and of the northeast branch of the Cape Fear river in the county of New Hanover, between the fifteenth days of May and August of each year, and any person violating this section shall be guilty of a misdemeanor, and fined not to exceed five dollars, which fine shall be paid to the treasurer of the county where the offence was committed, for the benefit of the school fund.

Sec. 3410. To protect the fish interest in North Carolina. 1880, c. 34. 1881, c. 21, 32, 250, 320.

No person shall place or allow to remain in the Chowan river between Holliday's Island and the Virginia line; in the Meherrin river between its mouth and the Virginia line; in the Roanoke river from the mouth of the Cashie river to the Virginia line; in the Dan river from the crossing of the state line to a point nearest Danbury; in the Tar river from Washington to Louisburg; in the Neuse river from New-Berne to Neuse station in Wake county; in Contentnea creek from its junction with the Neuse to the junction of Turkey and Moccasin creeks; in the Cape Fear river from Wilmington to the junction of Haw and Deep rivers and thence in Haw river to the line of Chatham and Alamance counties, and also in Deep river to the Randolph and Chatham line; in Rocky river from its mouth to the crossing of the Pittsboro and Ashboro road; in the New Hope river from its mouth to the Orange county line; in North East Cape Fear river from Wilmington to South Washington; in Black river from its mouth to the junction of the Coheras; in the South river from its junction with the Black river to the crossing of the Fayetteville and Warsaw public road; in Lumber river from the State line to the northern boundary of Robeson county; in the Yadkin river from the state line to Patterson's factory; in Elk creek, a tributary of the Yadkin river, from its mouth to Daniel Wheeler's in Watauga county; in Ararat river from its mouth to the bridge at Mount Airy; in Linville river from its mouth to Linville falls; in North Fork of Catawba from its mouth to Turkey Cove; in Broad river from the state line to Reedy Patch creek; in Green river from its mouth to its junction with North Pacolet; in the Tennessee river from the state line to its junction with the Nantahela; in Pigeon river from the state line to the Forks of Pigeon; in the French Broad river from the state line to Brevard's and in the Swannanoa river; in Toe river from the state line to the confluence of the North and South Forks of Toe; in New river from the state line to the point of divergence from the western boundary line of Alleghany county; in Little river in Johnston county from its junction with Neuse river in Wayne county to the Wake county line; Cain river from the mouth of same to mouth of Bolling creek in Yancey county, also Old Fields of Toe on North Toe river in Mitchell county; John's river from its mouth to the forks of said river near Carrell Moore's in Caldwell county.

any dam for mill or factory purposes, unless the owner thereof shall construct thereon at his own expense a sluice-way for the free passage of fish, of a width not less than three feet nor more than ten feet: *Provided*, such sluice-way shall be constructed according to plans and specifications to be furnished by the board of agriculture, and shall not injure the water power of such owner: *Provided further*, in order to ascertain whether sluice-ways will or will not injure the water power aforesaid the owner of such dam may select two disinterested persons and the board of agriculture two others who may select the fifth person to aid in the arbitration and settlement of such complaint: *Provided further*, this section shall not apply to Pigeon river in Haywood county: *Provided also*, it shall be lawful for any person to remove any obstruction in the main channel of the Cape Fear river to the width of one hundred feet, for the free passage of fish in the county of Harnett. This proviso, however, shall not apply to any dam or obstruction placed or kept up on said river by the Cape Fear iron and steel company.

Sec. 3411. Sluice-ways to be constructed, penalty for failure; to be kept open, penalty for failure, &c. 1880, c. 34, s. 2.

Such sluice-ways shall be constructed and placed upon such dams by the owner thereof within sixty days after notice has been given by the board of agriculture, under a penalty of one hundred dollars per day for each day thereafter that such dam shall remain without such sluice-way, and shall be kept open by him during the months of February, March, April, May, June, October and November, and at all other times when there is sufficient water to supply both the water power and the sluice-way, a fine of fifty dollars per day for each day said sluice-way shall be allowed to remain closed, and any person who shall fish with net, trap, hook and line, or who shall take in any way whatsoever, any fish within two hundred feet of said sluice-way shall be subject to a fine of one dollar for each fish so taken, or a fine of fifty dollars for each offence, or imprisonment for thirty days.

Sec. 3412. All obstructions to be opened, penalty for failure. 1880, c. 34, s. 3.

No other obstruction to the passage of fish shall exist or be built between the designated points in the streams

hereinbefore mentioned unless an opening of not less than twenty-five feet, and not more than seventy-five feet, embracing the main channel of said streams, shall be made by the owner of such obstructions within twenty days after notice from the board of agriculture to make such opening under penalty of fifty dollars per day for each day such obstruction shall remain unopened. Said notice shall be served by the sheriff of the county, and his return shall be *prima facie* evidence of notice in any suit for such penalty.

Sec. 3413. Fines and penalties collected under this chapter. 1880, c. 34, s. 5.

One-half of the fines and penalties collected for violation of the two preceding sections shall go to the informer and the other half to the public school fund of the county where suit is brought.

Sec. 3414. Fishermen in certain sounds required to remove stakes within thirty days; misdemeanor, penalty. 1883, c. 69, ss. 1, 2.

Fishermen in the waters of Pamlico, Croatan, Currituck and Albemarle sounds and their tributaries, shall be required to pull up and remove their net stakes within thirty days from the day the nets were taken from them, and all persons failing to pull up and remove their stakes, as required by this section, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Sec. 3415. Lay or embargo days established in Pamlico and Tar rivers; unlawful to seine for shad or herring, when. 1883, c. 137, ss. 1, 2.

For the purpose of regulating fishing in the waters of Pamlico, Tar rivers and tributaries, the following lay days or embargo days to be in operation from the fifteenth day of February to the first day of May are hereby established, and no person shall fish with seines or nets of any kind, name or class, for shad or herring, in the waters of Pamlico, Tar rivers and tributaries, from the mouth of Pamlico river up to Yankee Hall, on Tar river, from the first day of May to the first day of June of each and every year; and from Yankee Hall to the Wilmington and Weldon Railroad from the tenth day of May to the first day of June of each and every year.

Sec. 3416. Unlawful to seine, &c., in Pamlico and Tar rivers within certain hours. 1883, c. 137, s. 3.

No person, from the fifteenth day of February to the tenth day of May of every year, shall fish from twelve o'clock meridian of Saturday until sunrise Monday morning of each week, any seine, set net, drift net, or any other net of any name or kind whatever, in the waters of Pamlico, Tar rivers and tributaries: *Provided*, this and the preceding section shall not apply to bow or skim nets.

Sec. 3417. Unlawful to fish with pound nets, &c., or to place stationary obstructions in Pamlico and Tar rivers. 1883, c. 137, s. 4.

No person shall use or fish with any pound net, pod net or dutch net, or place any stationary obstructions to the free passage of fish in the waters of Pamlico, Tar rivers and tributaries.

Sec. 3418. Unlawful to rob gill nets, &c., in Pamlico and Tar rivers. 1883, c. 137, s. 5.

No person shall rob any gill net or fish weir in Pamlico, Tar rivers and tributaries.

Sec. 3419. Misdemeanor; penalty, proviso. 1883, c. 137, s. 6.

Any person violating any of the five preceding sections shall be guilty of a misdemeanor, and be fined not less than twenty-five nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days, or both.

Sec. 3420. Unlawful to use dutch, &c., nets in Carteret county; penalty; misdemeanor; proviso, &c. 1883, c. 199, s. 1.

Any person who shall use or cause to be used any dutch net, pond net or other stationary trap, net or seine of similar description by whatever name known, in the waters of Carteret county for the purpose of taking fish therefrom, shall for each day's use thereof forfeit and pay the sum of fifty dollars. The penalties herein created shall be recovered by a warrant before any justice of the peace in the county of Carteret, and shall be applied to the use of the public schools of said county; and such offender in addition to the penalties contained in this section shall be guilty of a misdemeanor, and fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than six

months nor more than twelve months: *Provided*, this section shall not apply to the ordinary set nets heretofore in use in the waters of said county.

Sec. 3421. Unlawful to use fyke nets, &c., in Masonboro and Myrtle Grove sounds; misdemeanor. 1883, c. 288, ss. 1, 2.

No person shall use any fyke nets or set down seines, or place any fish trap for the purpose of catching fish in the waters of Masonboro and Myrtle Grove sound in New Hanover county, and any person who shall violate this section shall be guilty of a misdemeanor, and fined not more than fifty dollars, or imprisoned not more than twenty days.

Sec. 3422. Unlawful to obstruct passage of fish in Neuse river; proviso; misdemeanor. 1883, c. 301, ss. 1, 2.

No person shall construct a dam, put in a trap, dutch net, wire seine, or anything else in Neuse river between its mouth and the Falls of Neuse in Wake county, for the purpose of obstructing the passage of fish in said river: *Provided*, this section shall not apply to seines, set nets, running or skimming nets, and every person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than two months, or both.

Sec. 3423. Unlawful to take oysters from Myrtle Grove sound, when; misdemeanor and proviso. 1883, c. 358, ss. 1, 2.

No person shall take or catch any oysters from Myrtle Grove sound, from Perrines or Whitker's creek to the head waters of said sound, in New Hanover county, from the first day of May until the first day of September: *Provided*, this section shall not apply to persons taking oysters for their own consumption, and any person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than twenty days.

Sec. 3424. Unlawful to use nets with meshes less than one and one-half inch; misdemeanor. 1883, c. 359.

No person shall fish in the waters of White Oak river, between the counties of Carteret and Onslow, and New river, in the county of Onslow, and the sounds and their tributaries between the mouths of these rivers, with nets or seines of any kind, the bars of whose meshes measure

less than one and one-half inch, and any person violating this section shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days, or both, for each offence.

Sec. 3425. Unlawful to obstruct certain streams in Henderson county, or to use seine or net; penalty. 1883, c. 17, ss. 1, 2, 3.

No person shall place or allow to remain in the French Broad, Mills, Green or Broad rivers, or any of their tributaries, in Henderson county, any obstruction whatever to the free passage of fish up said streams, other than a dam for manufacturing purposes, under a penalty of ten dollars for every day such obstruction is allowed to remain, one-half to the party suing for the same, and the other half to the school fund in said county; and no person shall haul any seine or use any net in any of said streams, nor place or use any trap for the purpose of catching fish in said streams, under the same penalty as prescribed above; and any person violating this section, in addition to the penalty prescribed, shall be guilty of a misdemeanor.

Sec. 3426. Laws prohibiting the carrying of oysters from state by citizens, for sale, repealed. 1883, c. 116, s. 5.

All laws and clauses of laws prohibiting the carrying of North Carolina oysters out of the state, by the resident citizens thereof, for sale, are repealed.

CHAPTER FORTY-FOUR.

PENITENTIARY, PRISONERS AND CONVICTS.

SECTION.	SECTION.
3427. Penitentiary governed by a board of five directors; term of office of directors; compensation.	under the direction of the board.
3428. Convicts to be conveyed from place of conviction to place where they are to be worked,	3429. Unlawful for directors to furnish supplies or materials for building of penitentiary or support of convicts.
	3430. How lands for construction of

SECTION.	SECTION.
penitentiary may be condemned.	3448. County and municipal authorities may farm out convicts.
3431. Labor of convicts to be utilized so as to lessen public expense.	3449. County and municipal authorities empowered to contract with directors of penitentiary for employment of convict labor.
3432. Within what time sheriff shall send convict to the penitentiary.	3450. Board of directors of penitentiary required to hire convicts to such authorities in certain cases; expenses of such convicts, how paid; penalty for permitting convicts to escape.
3433. Farming out of convicts; guard to be provided; bond for safe keeping.	3451. Hire of convicts, when and how paid; penalty for failing to pay according to contract.
3434. Compensation for apprehending escaped convicts.	3452. County and municipal authorities may appoint and remove agents to superintend the construction and improvements of streets and highways; taxes may be levied.
3435. Compensation to sheriffs for conveying convicts to penitentiary.	3453. Convicts so hired out to be under the control of the sheriff or other state officer.
3436. Sheriff to be paid by state treasurer on warrant of auditor.	3454. Party hiring convicts may use means to prevent their escape.
3437. Sheriff to file copy of verified account with the board of commissioners of his county.	3455. Prisoner escaping to be guilty of a misdemeanor.
3438. State not liable for expense of maintaining convicts until they are received at penitentiary.	3456. Keepers of jails to receive and keep prisoners of United States; fees same as for state prisoners.
3439. When lunatic convict may be transferred to insane asylum.	3457. When jail destroyed prisoners sent to jail of adjoining county.
3440. Spirituous liquors forbidden to be sold within the penitentiary.	3458. Or if there be no jail, or an unsafe one, courts may commit to jail of an adjoining county.
3441. Penalty for persons conveying weapons to prisoner.	3459. Authority and liability of ministerial officers and jailers.
3442. Recaptured convicts to serve out their full term.	3460. Sheriff apprehending an escape, how to obtain guard; compensation of guard.
3443. Convicts attempting to escape, or resisting guard, to be disciplined.	3461. Prisoners for crime to pay jail charges.
3444. Rules and regulations for enforcing discipline.	3462. Expense of guarding and re-
3445. Every infraction of the rules to be recorded in a book to be kept for that purpose.	
3446. Divine service and Sunday school to be provided for the convicts.	
3447. Children of convicts, how provided for.	

SECTION.	SECTION.
moving prisoners, by what county paid.	turned to court and deemed a recognizance.
3463. Prisoners may buy necessaries; penalty on jailers for injuring prisoners.	3468. In civil cases on <i>mesne process</i> to stand as security for final judgment.
3464. Jailer to cleanse jail and furnish diet to prisoners.	3469. In case of imprisonment on final process, bond deemed a judgment; on breach of bond, debtor excluded from bounds.
3465. Suitable bed-clothing provided for prisoners.	3470. Prisoners, how transferred to sheriffs' successors.
3466. Prison bounds for health of prisoners, laid out by county commissioners; bond to keep bounds.	3471. Prisoners to be confined in proper apartments; penalty for confining otherwise.
3467. Bond in criminal cases re-	

Sec. 3427. Penitentiary governed by a board of five directors; term of office of directors; compensation. 1879, c. 333, s. 2. 1881, c. 289, s. 3.

The penitentiary and convicts shall be under the direction of a board of five directors to be appointed by the governor, with the advice and consent of the senate; and the members of said board shall hold office for four years, and shall receive as compensation the sum of three hundred dollars per annum: *Provided*, one of said board shall visit and inspect convicts employed outside the penitentiary as often as practicable, and receive such compensation therefor as the board may fix.

Welker v. Bledsoe, 68—457.

Sec. 3428. Convicts to be conveyed from place of conviction to place where they are to be worked under the direction of the board. 1879, c. 233, s. 5. 1881, c. 289, s. 2.

The board of directors shall as far as practicable make arrangements for the conveying of convicts from the places where convicted, direct to the place where they are to be worked, when it would be to the interest of the state so to do.

Sec. 3429. No director shall furnish supplies or materials for building of penitentiary, or support of convicts. 1870-'1, c. 191, s. 9. 1873-'4, c. 158, s. 20. 1879, c. 333, s. 6.

No director shall furnish any of the supplies or materials, directly or indirectly, for the building of the penitentiary or the support of the convicts, or for the use of the penitentiary.

Sec. 3430. How lands for construction of penitentiary may be condemned. 1868-'9, c. 238, s. 3.

When any lands, right of way, quarry or quarries of rock, may be required for the construction of the penitentiary, or to make access to, or egress from it convenient, and if for want of agreement as to the value of such property, the same cannot be purchased from the owner or owners, the same may be taken by the board of directors at a valuation made by five disinterested persons, or a majority of them, to be appointed by the board of commissioners of the county in which the property is held. Said persons shall make a proper return to the clerk of the superior court of the award, which shall be placed on file in that office: *Provided*, either party to this proceeding may have an appeal to the superior court. The award shall, on its final settlement, be paid by the board of directors.

Sec. 3431. Labor of convicts to be utilized so as to lessen the public expense. 1868-'9, c. 238, s. 6.

The board of directors shall in every instance where possible, make use of the labor of the convicts in the preparation of the material and the erection of the cells and wall, in order to lessen the public expense, and they may be allowed to use all proper and humane means to prevent their escape.

Sec. 3432. Within what time sheriff shall send convict to the penitentiary. 1869-'70, c. 180, s. 3.

The sheriff, having in charge any prisoners sentenced to the penitentiary, shall proceed to send the same to the penitentiary or place of assignment, within five days after the adjournment of the court at which they were sentenced: *Provided*, no appeal has been taken.

State v. McNeill, 75—15; State v. Miller, 75—73; State v. Driver, 78—423.

Sec. 3433. Farming out of convicts; guard to be provided; bond for safe keeping. 1871-'2, c. 202, s. 8.

The board of directors is authorized and directed to farm out to railroad companies or other public corporations, every able-bodied convict who cannot be employed to advantage within the penitentiary, on such terms as will best promote the interest of the state, for consideration not less than food and clothing. And the party so hiring shall provide a good and sufficient guard to prevent the escape of such convicts, and shall give bond for

their safe keeping and proper treatment and return to the penitentiary on the termination of the contract: *Provided*, no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson.

Sec. 3434. Compensation for apprehending escaped convicts. 1871-'2, c. 202, s. 11. 1883, c. 71.

The board of directors is authorized to recommend a reasonable compensation to any one for the apprehension and return of any escaped convict to the penitentiary, on which recommendation the governor is authorized to direct the auditor to give his warrant on the treasurer for the amount so recommended.

Sec. 3435. Compensation to sheriffs for conveying convicts to penitentiary. 1874-'5, c. 107, s. 1.

The sheriffs of the several counties shall be allowed two dollars per day, and actual necessary expenses for conveying convicts to the penitentiary or place of assignment; also one dollar per day and actual necessary expenses for each guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the clerk of the superior court of his county shall swear to be necessary for the safe conveyance of said convicts.

Taylor v. Adams, 66—338.

Sec. 3436. Sheriff to be paid by state treasurer on warrant of auditor. 1874-'5, c. 107, s. 2.

Upon filing such affidavit with the auditor, together with a fully itemized account, to be sworn to before the auditor, of the number of days requisite for coming and returning, and of the actual expenses for conveying said convicts, and of the guard necessary for their safe keeping, the auditor shall be required to audit such verified claims of the sheriff, and the treasurer to pay all such warrants properly drawn upon him out of any moneys in the treasury not otherwise appropriated.

Sec. 3437. Sheriff to file copy of verified account with the board of commissioners of his county. 1874-'5, c. 107, s. 3.

The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by the auditor as true copies of those on file in his office, or be guilty of a misdemeanor.

Sec. 3438. State not liable for expense of maintaining convicts until they are received at penitentiary. 1870-'1, c. 124, s. 3.

The state shall not be held liable for the expense of maintaining convicts until they shall have been received by the penitentiary authorities, nor shall any moneys be paid out of the treasury for support of convicts prior to such reception.

Sec. 3439. When lunatic convict may be transferred to insane asylum. 1871-'2, c. 212.

Whenever any convict of the penitentiary shall be found on examination by the superintendent of the insane asylum, the chairman of the board of directors and the physician to the penitentiary, to be a lunatic or otherwise insane, it shall be lawful to transfer said insane convict from the penitentiary to the insane asylum, under such rules and regulations as apply to other insane persons: *Provided*, such convict's term of imprisonment unexpired shall not be less than three months.

Sec. 3440. Spirituous liquors forbidden to be sold within the penitentiary. 1873-'4, c. 158, s. 11.

Any person who shall bring into or sell within the penitentiary enclosure any spirituous liquors, not authorized by the physician for the use of the hospital, and every overseer, guard or officer employed in or about the prison, who shall suffer it knowingly to be brought in or sold, contrary to this section, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days, and if an officer or employee of the institution, he shall be dismissed.

Sec. 3441. Penalty for persons conveying weapons to prisoner. 1873-'4, c. 158, s. 12.

Any person who shall convey to or from any convict any letters or oral messages, who shall convey to them any weapon or instrument by which to effect an escape, or that will aid them in an assault or insurrection, or who shall trade with a convict for his clothing or stolen goods, or who shall sell to him any article forbidden them by prison rules, shall be guilty of a misdemeanor: *Provided*, when murder, an assault or an escape is effected, with means furnished the convicts, the person convicted of furnishing the means shall be sentenced to not less than four years' hard labor in the penitentiary.

Sec. 3442. Recaptured convicts to serve out their full term. 1873-'4, c. 158, s. 13.

Any convict who shall effect an escape shall, on his recapture, be required to make up the full term for which he was sentenced, and shall in no case be discharged until he has served in the prison the full term of his sentence.

Sec. 3443. Convicts attempting to escape, or resisting guard, to be disciplined. 1873-'4, c. 158, s. 14.

When a convict or several combined shall offer violence to any officer, overseer or guard, or to any convict, or attempt to do any injury to the prison building or the workshops, or shall attempt to escape or shall resist or disobey any lawful command, the officer, overseer or guard, shall use any means necessary to defend himself, to enforce the observance of discipline, to secure the person of the offender and to prevent an escape.

Sec. 3444. Rules and regulations for enforcing discipline. 1873-'4, c. 158, s. 15.

The board of directors are authorized to adopt such rules and regulations for enforcing discipline as their judgment may indicate, not inconsistent with the constitution. And they shall print and post the same with the following section, in the cells of the convicts, and the same shall be read to every convict in the penitentiary, when received.

Sec. 3445. Every infraction of the rules to be recorded in a book kept for that purpose. 1873-'4, c. 158, s. 16.

The board of directors shall require to be kept a book in which shall be entered a record of every infraction of the published rules of discipline with the name of the prisoner so guilty, and the punishment inflicted therefor, which record shall be submitted to the directors at their monthly meeting, and every prisoner who may have been sentenced for a term of years, who shall at the end of each month have no infraction of the discipline so recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him, he shall be entitled to two additional days' diminution from his sentence, and if he shall continue to have no such record against him a third month, his time shall be shortened three additional days, and he shall be en-

titled to three days' diminution of time from his sentence for each subsequent month he shall so continue on his good behavior, and for every ten days he shall thus become entitled, he shall have a further reward of one dollar placed to his credit, with the warden, to be paid to him on his discharge or sent to his family as he may elect; and for every five dollars of commutation he shall be entitled to five additional days' diminution; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence less the number of days he may be entitled to have deducted therefrom, in the same manner as if no deduction had been made: *Provided*, if such convict shall be guilty of a violation of the printed and published rules of the prison after he shall have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have the power to deprive, at their discretion, such convict of a portion or all (according to the flagrance of such violation of discipline) of the diminution of term of sentence or commutation to which he had previously been by this section entitled. Any convict who shall make an assault on any officer, overseer or guard, or who shall be engaged in an insurrection, or make an attempt to escape, shall not be entitled to the benefits of this section.

Sec. 3446. Divine service and Sunday school to be provided for the convicts. 1873-'4, c. 158, s. 18. 1883, c. 349.

The board of directors is authorized to provide for divine service for the convicts each Sunday, if possible, and to secure the visits of some minister at the hospital to administer to the spiritual wants of the sick, and an appropriation of not more than five hundred dollars per annum may be made for these purposes. The sum of fifty dollars per annum is appropriated for the use of the penitentiary Sunday school, to be paid to the warden of the penitentiary by the state treasurer on the warrant of the auditor.

Sec. 3447. Children of convicts, how provided for. 1873-'4, c. 158, s. 19.

Any child who may be born of a convict in the penitentiary that shall not be taken in charge when arrived at an age suitable to be separated from the mother by some of its kindred or other reponsible party shall, on the application of the deputy warden to the clerk of the

superior court of the county of Wake, be disposed of as the law provides in the case of other children whose parents are dead or unable to provide for them.

Sec. 3448. County and municipal authorities may farm out convicts. 1866-'7, c. 30. 1872-'3, c. 174, s. 10. 1874-'5, c. 113. 1876-'7, c. 196, s. 1. 1879, c. 218.

The boards of commissioners of the several counties, within their respective jurisdictions, or such other county authorities therein as may be established; and also the mayor and intendant of the several cities and towns of the state, shall have power to provide under such rules and regulations as they may deem best for the employment on the public streets, public highways, public works, or other labor for individuals or corporations, of all persons imprisoned in the jails of their respective counties, cities and towns, upon conviction of any crime or misdemeanor, or who may be committed to jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all the costs which they are adjudged to pay, or to give good and sufficient security therefor: *Provided*, such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court. *Provided further*, the amount realized from hiring out such persons shall be credited to them for the fine and bill of costs in all cases of conviction. *Provided also*, it shall not be lawful to farm out any such convicted person who may be imprisoned for the non-payment of a fine, or as punishment imposed for the offence of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize.

State v. Shaft, 78—464.

Sec. 3449. County and municipal authorities empowered to contract with directors of penitentiary for employment of convict labor. 1881, c. 127, s. 1.

It shall be lawful for the board of commissioners of any county, and likewise for the corporate authorities of any city or town, to contract in writing with the board of directors of the penitentiary for the employment of such convicts as by existing laws may be hired to railroad companies, upon the highways or streets for the construction or improvement of the same, of the county, city or town whose authorities shall so hire such convicts,

Sec. 3450. Board of directors of penitentiary required to hire convicts to such authorities in certain cases; expenses of such convicts, how paid; penalty for permitting convicts to escape. 1881, c. 127, s. 2.

Upon application to them it shall be the duty of the board of directors of the penitentiary to hire to the board of commissioners of any county, and to the corporate authorities of any city or town, for the purpose specified in the preceding section, such convicts as may lawfully be hired for service outside the penitentiary, as shall not at the time of such application be so hired; but the convicts hired for service upon the highways and streets shall be fed, clothed and quartered while so employed, by the board of directors or managers of the penitentiary as in case of the hiring convicts to railroad companies, and if any person charged in any way with the control or management of such convicts shall negligently permit them to escape, or shall maltreat them, every person so offending shall be guilty of a misdemeanor; but this provision shall not be held to relieve any person from any criminal liability: *Provided*, nothing in this section shall be construed to authorize the board of directors to reduce the number of convicts allowed by law to the railroads of the state in which the state has an interest.

Sec. 3451. Hire of convicts, when and how paid; penalty for failing to pay according to contract. 1881, c. 127, s. 3.

The board of commissioners of any county, and the corporate authorities of any city or town so hiring such convicts, shall pay into the treasury of the state for the labor of any convict so hired a sum of money equal to the average cost in money of feeding, clothing, guarding and transporting such convicts to and from the place of employment for the town of such hiring, and the money so to be paid at such times as may be agreed upon in the contract of hire, and if any such county, city or town shall fail to pay the money due for such hiring, the same shall bear interest from the time it shall become due until paid, at the rate of six per cent. per annum, if such rate is agreed upon in such written contract, and an action to recover any sum of money so due and imposed may be brought by the attorney-general in the superior court of the county of Wake in the name of the state.

Sec. 3452. County and municipal authorities may appoint and remove agents to superintend the construction and improvement of streets and highways; taxes may be levied. 1881, c. 127, s. 4.

The board of commissioners of any county, and the corporate authorities of any city or town so hiring such convicts, shall have power to appoint and remove at will all such necessary agents to superintend the construction or improvement of such highways and streets as they may deem proper, and to pay the costs and expenses incident to such hiring, may levy taxes and raise money as in other respects.

Sec. 3453. Convicts so hired out to be under control of the sheriff or other state officer. 1876-'7, c. 196, s. 2.

All convicts hired by the county or other municipal authorities shall, at all times, be under the supervision and control, as to their government and discipline, of the sheriff, or his deputy, of the county in which he was so convicted and imprisoned, and the sheriff, or his deputy, shall be deemed a state officer for the purpose of this section.

Sec. 3454. Party hiring convicts may use means to prevent their escape. 1876-'7, c. 196, s. 3.

The party in whose service said convicts may be, may use the necessary means to hold and keep them in custody, and to prevent their escape.

Sec. 3455. Prisoner escaping to be guilty of a misdemeanor. 1876-'7, c. 196, s. 4.

Any prisoner who shall be removed from the prison of the respective counties, cities and towns under this chapter, and who shall escape from the person or company having him in custody, shall be guilty of a misdemeanor, and imprisoned at hard labor not more than thirty days, or fined not more than fifty dollars.

Sec. 3456. Keepers of jails to receive and keep prisoners of United States; fees same as for state prisoners. R. C., c. 87, s. 1. 1790, c. 322, ss. 1, 2.

When a prisoner shall be delivered to the keeper of any jail by the authority of the United States, such keeper shall receive the prisoner, and commit him accordingly; and every keeper of a jail refusing or neglecting to take possession of a prisoner delivered to him by the authority

aforesaid, shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the state. And the allowance for the maintenance of any prisoner committed as aforesaid, shall be equal to that made for prisoners committed under the authority of the state.

Sec. 3457. When jail destroyed prisoner sent to jail of adjoining county. R. C., c. 87, s. 2. 1835, c. 2, s. 1.

Whenever the jail of any county shall be destroyed by fire or other accident, any justice of the peace of such county may cause all prisoners who may then be confined therein, to be brought before him; and upon the production of the process, under which any prisoner was confined, shall order his commitment to the jail of any adjacent county; and the sheriff, constable or other officer of the county, deputed for that purpose, shall obey the order; and the sheriff or keeper of the common jail of such adjacent county shall receive such prisoners upon the order aforesaid, and in case of neglect shall be guilty of a misdemeanor, and held as for an escape.

Sec. 3458. Or if there be no jail, or an unsafe one, courts may commit to jail of adjoining county. R. C., c. 87, s. 3. 1835, c. 2, s. 2.

Whenever it shall happen that there shall be no jail, or an unfit or insecure jail, in any county, the superior court judges, justices of the peace, and all judicial officers of such county may commit all persons who may be brought before them, whether in a criminal or civil proceeding, to the jail of any adjoining county, for the same causes, and under the like regulations that they might have ordered commitments to the usual jail; and the sheriffs, constables, and other officers of such county, in which there may be no jail, or an unfit one, and the sheriffs or keepers of the jails of the adjoining counties, shall obey any order of commitment, so made, under pain of being guilty of a misdemeanor.

Sec. 3459. Authority and liability of ministerial officers and jailers. R. C., c. 87, s. 4. 1835, c. 2, s. 3.

The sheriffs, constables, and other ministerial officers of any county, in which there may be no jail, shall have authority to confine any prisoner arrested on process, civil or criminal, and held in custody for want of bail, in the jail of any adjoining county, until bail be given or tendered. And any sheriff or jailer having a prisoner in his

custody, by virtue of any mode of commitment provided in this chapter, shall be liable, civilly and criminally, for his escape, in the same manner as if such prisoner had been confined in the prison of his proper county.

Sec. 3460. Sheriff apprehending an escape, how to obtain guard; compensation of guard. R. C., c. 87, s. 5. 1795, c. 433, s. 8.

Whenever the sheriff of the county, or keeper of the jail, shall apprehend that there is danger of a prisoner escaping, through the insufficiency of the jail or other cause, it shall be his duty, without delay, to make information thereof to a judge of the superior court, the attorney-general, or a solicitor, if any of those officers be in the county, and if not, then to three justices of the peace, and they are authorized, if they deem it advisable, to furnish the sheriff or keeper of the jail with an order in writing, addressed to the commanding officer of the county, setting forth the danger, and requiring him forthwith to furnish such guard as to him may appear to be suitable for the occasion. For which service the persons ordered on guard shall receive such compensation, as militiamen in actual service for defence of the state; and on application for pay, the letter to the commanding officer, on which the guard was ordered, and the certificate of such officer, countersigned by the sheriff or jailer, together with the deposition of the officer of the guard, stating the time of service, and that it was faithfully performed, shall be sufficient to authorize the payment of the same.

Com'rs v. Com'rs, 75—240.

Sec. 3461. Prisoners for crime to pay jail charges. R. C., c. 87, s. 6. 1795, c. 433, s. 7.

Every person committed by lawful authority, for any criminal offence or misdemeanor, shall bear all reasonable charges for guarding and carrying him to jail, and also for his support therein until released; and all the estate which such person possessed at the time of committing the offence, shall be subject to the payment of such charges and other prison fees, in preference to all other debts and demands; and if there be no visible estate whereon to levy such fees and charges, the amount shall be paid by the county.

State v. Peter, 8 Jun., 346.

Sec. 3462. Expense of guarding and removing prisoners, by what county paid. R. C., c. 87, s. 7. 1808, c. 757, s. 2.

The expense for guarding prisons shall be paid by the county wherein the prison is situated; and for conveying prisoners, as also the expense attending such prisoners while in jail, when the same may be chargeable on the county, shall be paid by the county from which the prisoner is removed.

Com'rs v. Com'rs, 75—240.

Sec. 3463. Prisoners may buy necessaries; penalty on jailers for injuring prisoners. R. C., c. 87, s. 8. 1795, c. 433, s. 6.

Prisoners shall be allowed to purchase and procure such necessaries, in addition to the diet furnished by the jailer, as they may think proper; and to provide their own bedding, linen and clothing, without paying any perquisite to the jailer for such indulgence; and if the keeper of a jail shall do, or cause to be done, any wrong or injury to the prisoners committed to his custody, contrary to this chapter, he shall not only pay treble damages to the person injured, but shall be guilty of a misdemeanor.

Sec. 3464. Jailer to cleanse jail and furnish diet to prisoners. R. C., c. 87, s. 9. 1815, c. 889. 1816, c. 911, s. 2.

The sheriff or keeper of any jail shall, every day, cleanse the room of the prison in which any prisoner shall be confined, and cause all filth to be removed therefrom; and shall also furnish the prisoner a plenty of good and wholesome water, three times in every day; and shall find each prisoner fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and every necessary attendance.

Long v. Com'rs, 76—276; Lewis v. Raleigh, 77—229.

Sec. 3465. Suitable bed-clothing provided for prisoners. R. C., c. 87, s. 10. 1822, c. 1136.

The board of county commissioners, from time to time, as may be necessary, shall order the sheriff of their county to purchase, for the use of their jail, a certain number of good warm blankets or other suitable bed-clothing, which shall be securely preserved by the jailer, and furnished to the prisoners for their use and comfort, as the season or other circumstances may require; and

the sheriff, at least once in every year, shall report to the board of commissioners the condition and number of such blankets and bed-clothing.

Com'rs v. Com'rs, 75—240; Lewis v. Raleigh, 77—229.

Sec. 3466. Prison bounds for health of prisoners laid out by county commissioners; bond to keep bounds.

R. C., c. 87, s. 11. 1741, c. 33, s. 3.

For the preservation of the health of such persons as shall be committed to jail, the board of commissioners of each county shall mark out such a parcel of the land as they shall think fit, not exceeding six acres, adjoining the prison, for the rules thereof; and every prisoner not committed for treason or felony, giving bond with good security to the sheriff of the county to keep within the rules, shall have liberty to walk therein, out of the prison, for the preservation of his health; and on keeping continually within the said rules, shall be deemed to be in law a true prisoner; and that every person may know the true bounds of said rules, they shall be recorded in the county records, and the marks thereof shall be renewed as occasion may require.

Brown v. Frazier, 1 Mur., 421; Minor Huntington's case, 2 Mur., 369; Howard v. Pasteur, 3 Mur., 270; Mann v. Vick, 1 Hawks, 427; Bradley's case, 4 Ired., 543; Northam v. Terry, 8 Ired., 175; Whitley v. Gaylord, 3 Jon., 286.

Sec. 3467. Bond in criminal cases returned to court, and deemed a recognizance. R. C., c. 87, s. 12.

Every bond taken of any person confined for an offence, or otherwise than on process issuing in a civil case, shall be returned to the court by whose order or process such person is confined, or which may be entitled to cognizance of the matter, and shall be of the force and effect of a recognizance; and on breach thereof shall be forfeited, and shall be collected as a forfeiture, in the name and for the use of the state, and applied as other forfeited recognizances.

Lea v. Brown, 5 Jon. Eq., 379.

Sec. 3468. In civil cases on *mesne process*, to stand as security for final judgment. R. C., c. 87, s. 13.

Every bond taken of any person committed on civil process before final judgment, shall be returned to the court whence the process issued, and shall be assigned to the plaintiff therein; and on breach thereof the bond shall stand as a security for any judgment which the plaintiff

may recover against the defendant, and may be proceeded on and enforced in the same manner and under the same rules and restrictions as provided in the succeeding section, for obtaining judgment against persons confined on final process.

Sec. 3469. In case of imprisonment on final process, bond deemed a judgment; on breach of bond, debtor excluded from bounds. R. C., c. 87, s. 14. 1759, c. 65, ss. 2, 3.

Every bond given by any person committed on a *capias ad satisfaciendum*, or in custody after final judgment, shall be assigned by the sheriff to the party at whose instance such person was committed to jail, and shall be returned to the office of the clerk of the court where the judgment was rendered, and shall have the force of a judgment; and if any person, who shall obtain the rules of any prison, as aforesaid, shall escape out of the same, before he shall have paid the debt or damages and costs according to the condition of his bond, the court where the bond is filed, upon motion of the assignee thereof, shall award execution against such person and his sureties for the debt or damages and costs, with interest from the time of escape till payment; and no person committed to jail on such execution shall be allowed the rules of prison: *Provided*, the obligors have ten days' previous notice of such motion, in writing; but they shall not be admitted to deny the making of the bond in their answer, unless by affidavit, they prove the truth of the plea.

Brown v. Frazier, 1 Mur., 421.

Sec. 3470. Prisoners, how to be transferred to the sheriff's successor. R. C., c. 87, s. 15, 1777, c. 118, s. 12.

The delivery of prisoners, by indenture between the late and present sheriff, or the entering on record in court the names of the several prisoners, and the causes of their commitment, delivered over to the present sheriff, shall be sufficient to discharge the late sheriff from all liability for any escape that shall happen.

Sec. 3471. Prisoners to be confined in proper apartments; penalty for confining otherwise. R. C., c. 87, s. 16. 1795, c. 433, s. 4.

The sheriff or jailer shall confine those committed to his custody in the apartment, provided and designated by law, for persons of the description of the prisoner; and if a sheriff or jailer, wantonly or unnecessarily otherwise

confine prisoners in his custody, it shall be a misdemeanor in office.

CHAPTER FORTY-FIVE.

PENSIONS.

SECTION.	SECTION.
3472. Pensions allowed persons disabled in the militia service.	3476. County committee for the relief of blind and maimed soldiers.
3473. Governor to make contracts for artificial limbs for disabled soldiers.	3477. Persons who lost their sight or limbs in the Confederate service to make proof before the committee.
3474. Commutation in money allowed officers and soldiers who have procured artificial limbs at their own expense.	3478. Disabled Confederate soldiers allowed one hundred and twenty dollars per annum.
3475. Board of commissioners of county authorized to levy taxes for the relief of destitute disabled soldiers.	3479. Clerk to certify list of blind and maimed soldiers to governor; how money to be paid.

Sec. 3472. Pensions allowed persons disabled in militia service, and their widows and orphans; mode of procuring the same. R. C., c. 84.

Every person who may have been disabled by wounds in the militia service of the state, or rendered incapable thereby of procuring subsistence for himself and family, and the widows and orphans of such persons who may have died, may apply to the superior court of the county in which such person, widow or orphan shall reside, and the court shall certify to the general assembly their distresses; and thereupon, such person shall have an allowance by the general assembly sufficient for one year's relief; and the allowance shall be continued from year to year, so long as the court shall certify that such person, widow or orphan continues under the description aforesaid, which certificate of court, countersigned by the speakers of the general assembly, during the year of its meeting, and in every other year, by the governor, shall be a sufficient voucher in settling his public accounts, to any sheriff, collector or treasurer who may pay the same: *Provided,*

this section shall not extend to any person or persons, or to the widows or orphans of such person or persons who were engaged in the late civil war.

Sec. 3473. Governor empowered to make contracts for artificial limbs for disabled soldiers. Res. Jan. 29, 1866.

The governor is empowered to make contracts with manufacturers of artificial limbs to supply all officers and soldiers from North Carolina engaged upon her call, in the late civil war, who have lost their limbs in the service. And to this end the governor is empowered to adopt such rules as may be deemed by him most expedient to ascertain the extent of the need, and the best mode of supplying the said officers and soldiers with proper fitting artificial limbs.

Sec. 3474. Commutation in money allowed officers and soldiers, who have procured artificial limbs at their own expense. Res. March 12, 1866.

Whenever any such officer or soldier has, at his own proper charge, procured and paid for an artificial leg or arm, for his own use, and the same shall be made to appear on satisfactory evidence to the governor, it shall be his duty, instead of the limbs to which said party would be entitled, to cause to be paid to him a sum equal to that which shall have been paid by the governor for similar limbs.

Sec. 3475. The board of commissioners of the county authorized to levy taxes for the relief of destitute disabled soldiers. Res. March 10, 1866.

The boards of commissioners of the several counties, a majority of the justices being present, are hereby authorized to levy and collect, as taxes, such amounts of money as may by them be deemed necessary for the relief of the destitute disabled soldiers of their respective counties; said money to be distributed under the direction of the board of commissioners in each county.

Sec. 3476. County committee for the relief of blind and maimed soldiers. 1879, c. 193, s. 1.

The clerk of the superior court, sheriff and county commissioners of each county shall constitute a board, to be styled a committee for the relief of the blind and maimed.

Sec. 3477. Persons who lost their sight or limbs in the Confederate service to make proof before the committee. 1879, c. 193, s. 2.

It shall be the duty of the clerks of the superior court to notify all persons in their respective counties who lost their sight, or both hands, or both feet, in the Confederate service, to appear at the court house before said committee with proof as to how he or they lost their sight or limbs.

Sec. 3478. Disabled Confederate soldiers allowed one hundred and twenty dollars per annum. 1879, c. 193, s. 3. 1883, c. 341.

All disabled Confederate soldiers entitled to the benefit of the preceding section shall receive from the state treasury one hundred and twenty dollars per annum for the term of their natural life, to be paid monthly by the clerk of the superior court of the county.

Sec. 3479. Clerk to certify list of blind and maimed soldiers to governor; how money paid. 1879, c. 193, s. 4. 1883, c. 341.

The clerk of the superior court under his seal of office shall certify to the governor, giving the name and the number of the blind and maimed soldiers examined in his county, upon which the auditor with the approval of the governor is authorized to issue his warrant to the treasurer to pay the sum of one hundred and twenty dollars annually for each blind and maimed person named in the certificate, and the said clerk shall pay out such money monthly to the persons entitled to the same.

CHAPTER FORTY-SIX.

PILOTS.

SECTION.

3480. Commissioners of navigation, how appointed, by mayor, &c., of Wilmington.

3481. How styled; to fill vacancies and appoint a clerk; to estab-

SECTION.

lish, &c., fees of pilots; to have authority concerning navigation of the river, &c.

3482. Harbor master; appointment and fees.

SECTION.

3483. Pilot stations and pilotage regulated by commissioners.
3484. Pilots appointed by board; Cape Fear river.
3485. When board shall grant license to pilots.
3486. Three classes of licenses to be granted.
3487. Bond given by pilots.
3488. Permission granted to pilots to run regularly on steamers.
3489. Number of pilots regulated.
3490. Board may cancel license; pilot absent for more than six months to surrender his branch.
3491. Disputes between masters and pilots; warrant for pilotage, forfeiture, &c., issued by a commissioner; jurisdiction not to exceed sixty dollars; may summon witnesses and administer oaths.
3492. Stay of execution on judgment not allowed; parties may appeal.
3493. Rates of pilotage fixed by commissioners of navigation.
3494. When apprentice not to act as pilot.
3495. Rate of pilotage when vessel is detained.
3496. When master of vessel need not take pilot.
3497. Notice given when rates of pilotage altered.
3498. Number of boats prescribed for pilots.
3499. Rights of pilots as to Main and New Inlet bars of Cape Fear.
3500. Apprentices to be kept by pilots.
3501. Penalty on pilots not attending when requested.
3502. Pilots refused, entitled to full pilotage.
3503. One-third fees to be paid to pilots in certain cases,

SECTION.

3504. Pilotage, when vessel deepened or lightened.
3505. Pilot entitled to full pay though refused, when.
3506. Vessels of sixty tons coming into Cape Fear river for coal exempt, if they hoist a prescribed flag; outward bound coal vessels also; penalty for falsely hoisting flag of coal vessels.
3507. Penalty on coal vessels not raising flag.
3508. Regulations concerning pilotage not to be altered.
3509. Commissioners of navigation for New-Berne, Washington, and Edenton, yearly appointed; mode of appointment; vacancies, how filled.
3510. Powers of the commissioners.
3511. Commissioners of Washington a body corporate; their name and powers; may purchase lands and erect houses for receiving persons in quarantine, and may employ physicians, &c.
3512. Commissioners of navigation for port of Hatteras inlet; commissioners for port of Ocracoke inlet; duties; officer of boards; dues from pilots; vacancies; commissioners to keep journal and to take an oath of office; expiration of branch.
3513. Pilots required to give bond.
3514. To whom branches may be granted.
3515. Commissioners of navigation for Carteret and Onslow; Topsail inlet, Bogue inlet, &c.; vacancies, how filled; powers of boards.
3516. Bonds given by pilots.
3517. Pilots to have a telescope or spy-glass.
3518. Pilots may be removed for mis-

SECTION.	SECTION.
conduct, &c.; penalty for acting after removal; notice of removal published.	3529. Harbor master for Beaufort.
3519. Penalty for acting as pilot without license.	3530. Charges, &c., of branch pilots of Topsail inlet.
3520. Pay to pilots for detention; pay when driven off coast, after boarding.	3531. New rates to be posted.
3521. Penalty for neglecting to go to a vessel with a signal, &c.	3532. Commissioners and their powers.
3522. Pilots, when refused, to be paid.	3533. Commissioners to take an oath of office.
3523. No pilotage on ships under sixty tons; exception.	3534. Rates of pilotage at Old Topsail inlet.
3524. Rates of pilotage for Edenton, Washington, New-Berne, Ocracoke, and Hatteras.	3535. Rates of pilotage at Bogue inlet.
3525. Harbor masters and clerks appointed by boards of navigation.	3536. Fees of pilots to be annexed to their commissions.
3526. Commissioners of navigation for Beaufort and Morehead City, how elected.	3537. Boards to designate where ballast, trash, &c., may be cast; penalty for throwing ballast, stone, &c., into navigable water, or pulling down beacons, &c.
3527. Powers, &c., of board.	3538. Penalty on pilots for not giving information of unlawful acts.
3528. How far authority to extend.	3539. Penalties and fines, how disposed of; annual report made thereof.

Sec. 3480. Commissioners, how appointed, by mayor, &c., of Wilmington. 1869-'70, c. 235, s. 4. 1876-'7, c. 238.

The mayor and aldermen of the city of Wilmington shall, at one of their regular meetings in the month of June of each and every year, appoint five suitable persons to serve as commissioners of navigation and pilotage for the Cape Fear river and bars, who shall enter upon their duties on the first Monday in July of each and every year: *Provided*, that the mayor and commissioners of the town of Smithville shall at the same time appoint two suitable persons to serve as commissioners of navigation and pilotage: *Provided further*, that the commissioners appointed by the city of Wilmington and town of Smithville shall have power to do and perform all acts heretofore authorized by law to be done by the board of commissioners of navigation and pilotage.

Sec. 3481. How styled; to fill vacancies and appoint a clerk; to have authority concerning navigation of the river, &c. R. C., c. 85, s. 2. R. S., c. 88, s. 2. 1848, c. 47, s. 3.

The commissioners shall be styled the board of com-

missioners of navigation and pilotage for the Cape Fear river, and a majority of them may act in all cases. Said board shall have power to fill vacancies as they occur in the board, during their term; to appoint a clerk to record in a book the rules, orders, and proceedings of the board; and to establish and, as often as need be, to alter and regulate the fees and charges of the pilots or harbor masters of the port for services required of them by virtue of such rules, regulations and orders. Moreover, they shall have authority in all matters that may concern the navigation of the waters from seven miles above Negro-head point downwards and out of the bar and inlets; and with respect to throwing trash in the river in the town of Wilmington, and the construction of wharves, shall have a concurrent jurisdiction with the commissioners of the town; and the commissioners of pilotage and the commissioners of the town shall consult together upon the best methods of preventing any injury to the channel, by wharves or otherwise in the town, and when there is no harbor master the commissioners of navigation and pilotage shall decide all disputes about the moving of vessels and other matters which properly fall within the department of harbor master.

Sec. 3482. Harbor master, appointment and fees. R. C., c. 85, s. 8. 1802, c. 626, s. 5.

The said commissioners immediately upon their election shall appoint a harbor master for the port of Wilmington, who shall hold his office for one year next ensuing; and they shall prescribe the duties of his office. He shall be entitled to receive from the master of each vessel, that shall enter said port, one dollar, and such fees for other services as the commissioners may prescribe.

Sec. 3483. Pilot stations and pilotage regulated by the commissioners. R. C., c. 85, s. 4. 1786, c. 262, s. 2. 1802, c. 626, s. 4.

The commisssioners shall, from time to time, make and establish such rules and regulations respecting the arrangement and station of pilots, and the rates of pilotage as to them shall seem most advisable, and shall impose reasonable fines, forfeitures and penalties for the purpose of enforcing the execution of such rules and regulations.

Sec. 3484. Pilots appointed by board; Cape Fear river. R. C., c. 85, s. 5. 1802, c. 626, s. 5. 1883, c. 183.

The board, or a majority of them, shall, from time to time, examine, or cause to be examined, such persons as may offer themselves to be pilots for Cape Fear river and bars, and shall give to such as are approved commissions, under their hands and seals, to act as pilots both for the bars and rivers, according as they shall be found qualified: *Provided*, that after the number of pilots commissioned, together with apprentices who have acquired the right under existing laws shall have been reduced by death, resignation or otherwise to the number of forty-five, there shall not be, at any one time, a greater number than forty-five commissioned by the board.

Sec. 3485. When board shall grant licenses to pilots. 1858-'9, c. 23, s. 2.

Before the commissioners of navigation shall grant a commission or license to pilot vessels on Cape Fear river or its bars, it shall be the duty of the board to require the applicant to prove, by at least three nautical men under oath, his competency to manage or work vessels, and such knowledge of the Cape Fear river and its bars as may be necessary to qualify him to pilot vessels.

Sec. 3486. Three classes of license to be granted. 1858-'9, c. 23, s. 3.

The commissioners shall issue three classes of license, as follows:

(1) A license to pilot vessels whose draught of water does not exceed nine feet, to such applicants above the age of twenty-one years who have served as apprentices for at least three years, and complied with this chapter;

(2) A license to pilot vessels whose draught of water does not exceed twelve feet, to those who have served at least three years under a license of the first class;

(3) An unlimited or full license to those who have served at least three years under a license of the second class, to pilot vessels of any draught of water.

Sec. 3487. Bond given by pilots. R. C., c. 85, s. 6. 1784, c. 207, s. 3.

Every person, before he obtains a commission or a branch to be a pilot, shall give bond with two sufficient sureties payable to the state of North Carolina, in the sum of five hundred dollars, with condition for the due and faithful discharge of his duties, and the duties of his apprentices; and the board may, from time to time, and

as often as they may deem it necessary, enlarge the penalty of the bond, or require new and additional bonds to be given; and every bond taken of a pilot shall be filed with, and preserved by, the said board of commissioners in trust for every person that shall be injured by the neglect or misconduct of such pilot, or his apprentices; who may severally bring suit thereon for the damage by each one sustained.

Sec. 3488. Permission granted to pilots to run regularly on steamers. 1869-'70, c. 235, s. 5.

The commissioners shall have power to grant permission in writing to any pilot in good standing and authorized to pilot vessels, to run regularly as pilots on steamers running between the port of Wilmington and other ports in the United States, said pilot to have all the rights and emoluments that belong to the river and bar pilots.

Sec. 3489. Number of pilots regulated. 1869-'70, c. 235, s. 6.

The number of pilots and apprentices shall hereafter be regulated by the board of commissioners of navigation and pilotage: *Provided*, the number of pilots shall not at any one time be reduced below the number of forty, and apprentices below the number of twenty.

Sec. 3490. Board may cancel license; pilot absent for more than six months to surrender his branch. 1869-'70, c. 235, s. 7. 1881, c. 261, s. 2. 1883, c. 27.

The board of commissioners shall have power to call in and cancel the branch of any pilot who has refused or neglected, except in case of sickness, his branch for the space of two years in succession, and any pilot who has been absent from the state for a longer period than six months, shall, upon his return, surrender his branch to the board of commissioners, or they may declare the same null and void.

Sec. 3491. Disputes between masters and pilots; warrant for pilotage, forfeiture, &c., issued by a commissioner; jurisdiction not to exceed \$60; may summon witnesses and administer oaths. R. C., c. 85, s. 7. 1802, c. 626, s. 2. 1858-'9, c. 23.

Each commissioner or any justice of the peace of the counties of New Hanover and Brunswick shall have power and authority to hear and determine all matters of dispute between any pilot and master of a vessel, or be-

tween the pilots themselves, respecting the pilotage of vessels; and any one of them may issue a warrant against any pilot for the recovery of any demand which one pilot may have against another relative to pilotage, and for the recovery of any forfeiture or penalty, incurred by any act of the general assembly for regulating the pilotage of Cape Fear river and bars, or incurred by any by-law or rule passed in virtue thereof; which warrant the sheriff or any constable of New Hanover county shall execute, together with all other process authorized by this chapter. And on any warrant, issued as aforesaid, any one of said commissioners may give judgment for any sum not exceeding sixty dollars, and may issue execution thereon, in the manner of issuing execution on judgments given by justices of the peace; which may be executed agreeably to the rules and regulations prescribed for the levy and sale under executions issuing on judgments rendered by justices of the peace; and such commissioner shall issue summons for witnesses, and administer oaths as is done in cases of trials before justices of the peace.

Sec. 3492. Stay of execution on judgment not allowed; parties may appeal. R. C., c. 85, s. 8. 1802, c. 626, s. 3.

There shall be no stay of execution on any judgment obtained by pilots against masters of vessels, or by masters of vessels against pilots, or by pilots against pilots, on account of any compensation or detention, or for any forfeiture or penalty payable to any pilot or master of a vessel, by a pilot or master of a vessel, in virtue of any act of the general assembly, or by law made in pursuance thereof; but appeals shall be allowed in such cases under the rules which regulate appeals from the judgments of justices of the peace: *Provided*, that, if on the appeal of any defendant, the recovery shall not be lessened, and it shall be the opinion of the court that the appeal was obtained for the purpose of delay, the court shall adjudge the defendant to pay twenty per cent. on the amount of the original judgment, which shall be added thereto, and execution shall issue for the whole amount.

Sec. 3493. Rates of pilotage fixed by commissioners of navigation. 1858-'9, c. 23, s. 4. 1869-'70, c. 235, s. 3.

The commissioners of navigation shall fix the rates of pilotage for vessels in the following manner, viz.: vessels whose draught of water is six feet, seven feet, eight feet, nine feet, ten feet, eleven feet, twelve feet, thirteen

feet, fourteen feet, fifteen feet or sixteen feet; and the commissioners of navigation shall not reduce the rates of pilotage below the rates established in the year one thousand eight hundred and sixty-nine. It shall be the duty of the commissioners to establish rates of pilotage for all vessels drawing odd inches over the even feet prescribed in this section *pro rata* with the rates for even feet established in the year one thousand eight hundred and sixty-nine by the commissioners of navigation and pilotage.

Sec. 3494. When apprentice not to act as pilot. 1858-'9, c. 23, s. 6.

No apprentice shall hereafter be authorized by the board to pilot any vessel of more than six feet draught of water.

Sec. 3495. Rate of pilotage when vessel is detained. 1858-'9, c. 23, s. 7.

Every master of a vessel who shall detain a pilot at the time appointed, so that he cannot proceed to sea, though wind and weather should permit, shall pay to such pilot three dollars per day during the time of his actual detentions.

Sec. 3496. When master of vessel need not take pilot. 1858-'9, c. 23, s. 8.

No master of a vessel shall be required to take or keep a pilot on board or pay for pilotage in the river or over the bars, who is or has been a full branch pilot or employs a full branch pilot as first mate of his vessel.

Sec. 3497. Notice given when rates of pilotage altered. R. C., c. 85, s. 9. 1796, c. 470, s. 5.

When the commissioners aforesaid shall alter the rates of pilotage, they shall cause the new rates to be set up in the office of the collector of the port; and shall also cause them to be annexed to the several pilot's branches, certified under their hands.

Sec. 3498. Number of boats prescribed for pilots. R. C., c. 85, s. 10. 1796, c. 470, s. 3.

The commissioners aforesaid shall determine and make known, as far as occasion may require, to the pilots, how many decked boats are necessary for the attendance on the bars respectively; in which decked boats any number of said pilots, not exceeding five, may act and be concerned as partners and joint owners.

Sec. 3499. Rights of pilots as to Main and New Inlet bars of Cape Fear. R. C., c. 85, s. 11. 1797, c. 486, s. 1.

The pilots having branches to pilot over the Main bar, or New Inlet bar, of Cape Fear river, shall be entitled to pilot and navigate vessels into port over either bar; and the pilot who shall bring a vessel into port over either bar, shall be entitled, exclusively, to navigate the same vessel out of port over either bar: *Provided*, when any vessel shall be ready to go out of port, and such pilot does not attend to navigate the same, the captain or master may employ any other pilot for that purpose, such other pilot being a branch or commissioned pilot for the bar over which the vessel is to be navigated out; and every pilot who shall navigate a vessel out of port contrary to this section, shall for every such offence forfeit and pay forty dollars to the pilot or pilots, who, by this chapter, would have been entitled to navigate said vessel out of port.

Sec. 3500. Apprentices to be kept by pilots. R. C., c. 85, s. 12. 1786, c. 262, s. 4.

Every pilot, commissioned as aforesaid, shall keep at least one, but not more than two apprentices, and instruct them in the art and mystery of a pilot; which said apprentices, upon being authorized by the board, may pilot any vessel, which their several masters are entitled to pilot, for the behoof and emolument of their masters without let or molestation, subject however to the same regulations as the pilots are.

Sec. 3501. Penalty on pilots not attending when requested. R. C., c. 85, s. 13. 1784, c. 207, s. 5. 1796, c. 470, s. 4.

When any pilot shall have notice from the master of any vessel to attend in piloting such vessel, and shall not without delay go on board for that purpose, he shall forfeit and pay to the master ten dollars (unless he shall, at the time of such notice, have the actual and personal charge of some other vessel), for each day's delay, caused by his neglect, of the vessel which he had notice to attend, and the further sum of one day's expense of such vessel, to be recovered by a warrant under the hand of any one of the commissioners, on oath being made of the fact (which oath any of the commissioners may administer): *Provided*, that no pilot shall be considered as obliged to take charge of any vessel outward bound, in order to pilot her over either of the bars, until the pilotage be

previously paid him, or satisfactory security for the payment thereof be given him.

Sec. 3502. Pilots refused entitled to full pilotage. R. C., c. 85, s. 14. 1784, c. 207, s. 8.

When any master of a vessel, not having a pilot on board, coming over the bar into the Cape Fear river; or being in the river and going out of either of the inlets, shall refuse a pilot across the bar, then each pilot so refused shall be entitled to the same pilotage, as if he had been actually employed to pilot, and had piloted such vessel.

Sec. 3503. One-third fees to be paid to pilots in certain cases. R. C., c. 85, s. 15. 1786, c. 262, s. 6.

When any vessel shall come over the bar before a pilot boards her, she shall pay only one-third fees for coming in, unless when it may happen the weather is so bad that no person can board a vessel, in which case, if he shall hail her without the bar, he shall be entitled to full fees.

Sec. 3504. Pilotage, when vessel deepened or lightened. R. C., c. 85, s. 16. 1790, c. 320, s. 1.

If any vessel deepens or lightens between Wilmington and the flats, between the flats and Brunswick, or between Brunswick and Fort Johnson, the pilot shall be paid for the greatest draught of water, and shall besides be entitled to demand, at the rate of two dollars per day, for every day or part of a day he may be delayed in loading or unloading such vessel.

Sec. 3505. Pilot entitled to full pay though refused, when. R. C., c. 85, s. 17. 1813, c. 866. 1823, c. 1222, ss. 1, 2. 1831, c. 65. 1840, c. 48. 1856-7, c. 1.

When any master of a vessel shall refuse a pilot either up or down the Cape Fear river, then each pilot so refused shall be entitled to the full pilotage in the same manner as he would have been had he been actually employed for the purpose of piloting such vessel. But any vessel under sixty tons burden shall not be compelled to take a pilot while crossing the bar, or pay pilotage except where signals are made for a pilot; and no vessel coming in at either of the said inlets with a view to the more convenient prosecution of her voyage, or to make a harbor, shall be subject to the payment of pilotage.

Sec. 3506. Vessels of sixty tons coming into Cape Fear river for coal exempt if they hoist prescribed flag; outward bound coal vessels also; penalty for falsely hoisting flag of coal vessel. R. C., c. 85, s. 18. 1850, c. 116, ss. 1, 3.

All vessels of sixty tons burden or upwards, bound from sea to Cape Fear river, with the intention of taking a return cargo of coal, which has been mined in the state, and actually taking such cargo, shall be exempt from pilotage: *Provided*, that such vessel, when coming in sight of New Inlet or Main bar, shall hoist at her top-mast head, or such other place as shall be designated by the board of commissioners aforesaid, and keep the same flying till said vessel shall have crossed the bar or inlet, a flag one yard square, of white ground, with a black ball in the center of not less than a foot in diameter. And all vessels in the river of like burden, outward bound and laden with coal, shall also be exempt from pilotage: *Provided further*, they hoist said flag as soon as they come in sight of, and keep it flying till they pass New Inlet or Main bar: *Provided further*, that no vessel of sixty tons burden or upwards, having on board any merchandise or freight, except coal, shall be entitled to exemption from pilotage: *Provided also*, that if any vessel of the burden last mentioned, coming into the Cape Fear river through New Inlet or Main bar, or going out of the river to sea, shall hoist said flag under false pretences, to avoid paying pilotage, the master, captain and owner thereof shall pay double pilotage to some of the pilots, for the equal benefit of them all.

Sec. 3507. Penalty on coal vessels for not raising flag. R. C., c. 85, s. 19. 1850, c. 116, s. 5.

All vessels of such burden engaged in the transportation of coal on the coast of North Carolina, whenever they appear within sight of any pilot station, shall raise said flag, to the end that pilots may know that their services are not required, under the penalty of ten dollars, to be paid by the master or owner to any one of the pilots who may first sue for the same.

Sec. 3508. Regulations concerning pilotage not to be altered. R. C., c. 85, s. 20. 1850, c. 116, s. 4.

The board of commissioners shall not alter the rules and regulations concerning pilotage, prescribed in the two preceding sections.

Sec. 3509. Commissioners of navigation for New-Berne, Washington and Edenton appointed yearly; mode of appointment; vacancies, how filled. R. C., c. 85, s. 21. 1783, c. 194. 1801, c. 600. 1842, c. 65, s. 1.

Five persons who shall be residents of the towns, respectively, and possessed of a freehold therein, shall be annually appointed commissioners of navigation, for each of the ports of New-Berne, Washington and Edenton. Those for the ports of Edenton and New-Berne shall be chosen by the freemen of said towns respectively, who are entitled to vote for commissioners of the towns, at the same time and in the like manner as are elected the commissioners of the respective towns; and those for the port of Washington shall be appointed by the county commissioners of Beaufort, at their first meeting of each year; and all vacancies in said boards, whether by refusal to act, resignation or otherwise, shall be filled by the remaining commissioners, until the same shall be filled (which is hereby directed to be done), at the regular period of election.

Sec. 3510. Powers of the commissioners. R. C., c. 85, s. 22. 1783, c. 194, ss. 1, 2.

The said commissioners shall have power to contract with proper persons to examine from time to time the situation of the Swash, and keep the same and all other channels leading from Ocracoke bar to New-Berne, Washington, Edenton, Plymouth and Elizabeth City, well and sufficiently staked out, and to cause buoys and beacons to be placed where the commissioners shall think most convenient for the safety of vessels.

Sec. 3511. Commissioners of Washington a body corporate; their name and powers; may purchase lands and erect houses for receiving persons in quarantine, and may employ physician, &c. R. C., c. 85, s. 52. 1842, c. 65, ss. 2, 3.

The commissioners of the port of Washington shall be a body corporate, under the name of "The Commissioners of Navigation for the Port of Washington," and have all the powers of a corporation, concerning the subjects placed under their control; and they shall have authority in all matters that concern the navigation of Pamlico river from Willow Point downwards, and may purchase and sell and buy again, at their discretion, at or near the port of Washington, a piece of land and erect thereon suitable houses for the reception of persons on

board any vessel which, by the laws of the state, might be compelled to perform quarantine, and to have over such persons, when landed, the same control as if performing quarantine in the accustomed mode. Also, to employ a physician to attend the persons landed; to furnish them with such articles of provision, clothing, or other necessaries, as their situation may demand during their continuance there. And both the vessel and the persons so landed shall, in all things and to every intent whatever, be considered, while remaining on said piece of land, to be in a state of quarantine, and subject, both they and all persons, to the same penalties for leaving or visiting said place, for breaking or violating such quarantine in any respect whatever, as if the said persons so landed had remained on the vessel.

Sec. 3512. Commissioners of navigation for port of Hatteras inlet; commissioners for port of Ocracoke inlet; duties; officers of boards; dues from pilots; vacancies; commissioners to keep journal and to take oath of office; expiration of branch. R. C., c. 85, s. 24. 1871-'2, c. 134. 1879, c. 216, s. 1.

John W. Rolinson, R. R. Quidley, George L. Styron, William Balance and Charles L. Odine shall constitute a board of commissioners of navigation for the port of Hatteras inlet, of the county of Dare; David Tolson, W. H. Balance and Christopher O'Neal, of the county of Hyde, and William Dixon and Solomon Dixon, of the county of Carteret, shall constitute a board of navigation for the port of Ocracoke inlet, whose duty it shall be to meet at Hatteras and Ocracoke respectively three times in each year, or a majority of the respective boards, after giving at least twenty days' notice of each meeting, and when any person is desirous of becoming a pilot at Hatteras or Ocracoke inlets, over the Swashes through Pamlico and Albemarle sounds, he shall be examined by said board, and when found competent to take charge of any ship or vessel as a pilot the board shall issue to him a branch and take the bond authorized by law, and no person shall be prescribed to act as a bar or swash pilot unless he shall have a branch from said boards. The said boards shall have their offices at Hatteras and Ocracoke respectively, in which shall be filed the bonds of the pilots, and every pilot receiving a branch from said boards shall pay to the board from which he receives such branch, two dollars and fifty cents, of which sum the commissioners of Ocracoke who live in Carteret shall receive ten cents per

mile traveling to and from the meeting of said board, and the residue shall be divided between all the members of said board, and the commissioners shall belong to each board respectively. When a vacancy shall occur in either board by death, resignation or refusal to act, a majority thereof of each board shall appoint some suitable person thereto, whose residence shall be at the same place where the vacancy occurred; said commissioners shall keep a regular journal of their proceedings, and before entering on the duties of their office they shall take and subscribe before any justice of the peace of the counties of Dare, Carteret or Hyde, the following oath:

"I do solemnly swear that I will truly and faithfully and impartially examine every person who shall apply to me for a branch, to the best of my ability: so help me, God."

The branch shall expire in three years from the date thereof.

Sec. 3513. Pilots required to give bond. 1871-'2, c. 134, s. 3. 1879, c. 216, s. 2.

Every pilot licensed by said boards shall give such bond, perform such duties, receive such fees or emoluments, have such remedies and be subject to such penalties and liabilities as prescribed by this chapter.

Sec. 3514. To whom branches may be granted. 1856-'7, c. 29. 1879, c. 216, s. 3.

The said boards shall not issue or grant any branch to pilot vessels through Hatteras inlet to any person who does not reside in Hatteras precinct, which precinct extends from Cape Hatteras light-house to Hatteras inlet. And the said boards shall not issue or grant a branch to pilot vessels through or over Ocracoke inlet to any person who does not reside upon the island of Ocracoke or in the precinct of Portsmouth.

Sec. 3515. Commissioners of navigation for Carteret and Onslow; Topsail inlet, Bogue inlet, &c.; vacancies, how filled; powers of boards. R. C., c. 85, s. 25. 1783, c. 194. 1784, c. 208, s. 2. 1879, c. 216, s. 4.

Each of the boards of commissioners of the counties of Carteret and Onslow shall, if not already done, appoint five commissioners of navigation; those appointed by the board of Carteret to be a board for Old Topsail inlet and the waters thereof; those appointed by the board of Onslow to be a board for Bogue inlet and its waters. And

when vacancies occur in any of the boards, by refusal to act, by resignation or otherwise, the remaining members of such board shall fill the same until the same be supplied by the appointing board, which is directed to be done at the first meeting after the vacancy occurs. And the said boards, respectively, shall have the same powers and authorities as to pilots and pilotage, as to staking out the respective channels, and as to placing buoys and beacons, of their several and respective inlets and waters, as are given to the commissioners of navigation for the ports of New-Berne, Washington and Edenton.

Sec. 3516. Bonds given by pilots. R. C., c. 85, s. 26. 1783, c. 194, s. 4.

All pilots appointed by the commissioners of navigation for New-Berne, Washington, Edenton, Ocracoke, Old Topsail and Bogue inlets, shall give bond, with sufficient security, for the amount, and in the manner prescribed for the bonds of the Cape Fear pilots, in this chapter, and be subject to the same rules, regulations, and right of recovery as is there specified.

Sec. 3517. Pilots to have a telescope or spy-glass. R. C., c. 85, s. 27. 1790, c. 320, s. 3.

Every pilot, within such convenient time as the commissioners may direct who have control over the waters within which he acts, shall furnish himself with a good telescope or spy-glass, under the penalty of fifty dollars, to be paid to the commissioners.

Sec. 3518. Pilots may be removed for misbehavior, &c.; penalty for acting after removal; notice of removal published. R. C., c. 85, s. 28. R. S., c. 88, ss. 7, 31, 35. 1784, c. 207, s. 4. 1800, c. 1025, s. 4. 1819, c. 565. 1876-'7, c. 22. 1881, c. 261, s. 1.

Whenever any pilot appointed by any board by this chapter authorized to appoint, shall, on trial, be found to be incompetent, or shall be guilty of improper conduct by intoxication or otherwise, or of any misbehavior in his office, or shall absent himself from the state for a period of ten days, the pilot so offending may be removed from his office by the board of commissioners under whose authority he is acting, by a notice to him in writing; and if after such removal he shall attempt to take charge of any vessel, he shall forfeit and pay two hundred dollars for the use of said board. And it shall be the duty of the board to put up a written notice of the

removal, in the public places within the port, or publish it in some convenient newspaper. But no pilot for the navigation of Hatteras inlet shall be required to surrender or forfeit his branch by reason of absence from the state for a period less than six months.

Sec. 3519. Penalty for acting as pilot without license.

R. C., c. 85, s. 29. 1783, c. 194, s. 3. 1784, c. 208, s. 4.

If any person shall presume to act as pilot, who is not qualified and licensed in the manner herein prescribed, he shall forfeit and pay, for the use of the commissioners, forty dollars for every attempt at piloting: *Provided*, that should there be no pilot in attendance, any person may conduct into port any vessel in danger from stress of weather, or in a leaky condition.

Gerrish v. Johnson, 1 Jon., 335.

Sec. 3520. Pay to pilots for detention; pay when driven off coast after boarding. R. C., c. 85, s. 30. 1783, c. 194, s. 3. 1784, c. 207, s. 6. 1784, c. 208, s. 4.

If the master of any vessel shall send for or take on board any pilot to conduct his vessel from her station to any other place, and shall afterwards neglect or delay to remove such vessel (wind and weather permitting), he shall pay to the pilot two dollars for attending each day he shall be so detained; and if any vessel, which shall be boarded by a pilot, without or within any of the inlets, shall by violence of the weather or otherwise be driven to sea, the master or owner of such vessel shall allow and pay the pilot two dollars per day for every day he shall be on board, besides the fees of pilotage.

Sec. 3521. Penalty for neglecting to go to a vessel having a signal, &c. R. C., c. 85, s. 31. 1784, c. 207, s. 10. 1790, c. 320, s. 2. 1783, c. 194, s. 3. 1784, c. 208, s. 4.

When any pilot shall see any vessel on the coast, having a signal for a pilot or shall hear a gun of distress fired off the coast, and shall neglect or refuse to go to the assistance of such vessel, such pilot shall forfeit and pay one hundred dollars, to be recovered in the name of the state, one-half to the use of the informer, and the other half to the master of the vessel; unless such pilot is then actually in charge of another vessel.

Sec. 3522. Pilots, when refused, to be paid. R. C., c. 85, s. 32. 1783, c. 194, s. 3. 1784, c. 208, s. 4. 1871-'2, c. 117.

If a branch pilot shall go off to any vessel bound in, and offer to pilot her over the bar, the master or commander of such vessel, if he refuses to take such pilot, shall pay to such pilot, if not previously furnished with one, the same sum as is allowed by law for conducting such vessel in, to be recovered before a justice of the peace, if the sum be within his jurisdiction: *Provided*, that the first pilot who shall speak such vessel so bound in shall be entitled to the pay provided for in this section and no other.

Gerrish v. Johnson, 1 Jon., 335.

Sec. 3523. No pilotage on ships under sixty tons; exception. R. C., c. 85, s. 33. 1801, c. 600, s. 3. 1806, c. 711, s. 1.

No pilot, acting under the authority of the commissioners of navigation for New-Berne, Edenton, Washington, or Old Topsail inlet, shall be entitled to pilotage for any vessel under sixty tons burden, unless such vessel shall have given a signal for a pilot, or otherwise shall have required the assistance of a pilot.

Gerrish v. Johnson, 1 Jon., 335.

Sec. 3524. Rates of pilotage for Edenton, Washington, New-Berne, Ocracoke and Hatteras. R. C., c. 85, s. 34. 1794, c. 426. 1806, c. 711. 1846, c. 49, ss. 1, 2, 3.

Branch pilots of Edenton, Washington, New-Berne, Ocracoke or Hatteras, shall be entitled to receive of the commander of such vessel as they may have in charge the following pilotage, namely: for every vessel of sixty and not over one hundred and forty tons burden, from the other side of the bar, at any place within the limits of the pilot ground, to Beacon Island road, or Wallace's channel, ten cents for each ton, and the further sum of two and a half cents for each ton over one hundred and forty, and two dollars for each vessel over either of the swashes (that is, over said swashes either to or from Beacon Island road, or Wallace's channel, or over any shoal lying intermediate between either of said swashes and Beacon Island road or Wallace's channel); for every ship or vessel from the mouth of the swash to either of the ports of New-Berne or Washington, one dollar per foot, and for every ship or vessel from the same place to

the port of Edenton, twelve dollars; and to the port of Elizabeth City, ten dollars; and the same allowances down as up, and outwards as inwards.

Gerrish v. Johnson, 1 Jon., 335.

Sec. 3525. Harbor masters and clerks appointed by boards of navigation. R. C., c. 85, s. 35. 1846, c. 69.

The several boards of commissioners of navigation may appoint a harbor master for their respective ports. They shall appoint a clerk to keep books, in which shall be recorded all their proceedings.

Sec. 3526. Commissioners of navigation for Beaufort and Morehead City; how elected. 1868-'9, c. 208, s. 1. 1870-'1, c. 168, s. 1.

There shall be annually elected, by the qualified voters of the towns of Beaufort and Morehead City at the time and in the same manner as commissioners of the said towns are elected, five electors, who shall act as commissioners of navigation and pilotage for the port of Beaufort and Old Topsail inlet for the term of one year, or until their successors are qualified. Three of said commissioners shall be chosen by the electors of the town of Beaufort, and two of said commissioners shall be chosen by the electors of Morehead City.

Sec. 3527. Powers, &c., of board. 1868-'9, c. 208, s. 2.

The commissioners aforesaid shall be styled the board of commissioners of navigation and pilotage for the port of Beaufort, and a majority of them may act in all cases. Said board shall have power to fill all vacancies as they occur in the board during their terms, to appoint a clerk to record in a book the rules, orders and proceedings of the board, to establish, from time to time, all such rules, regulations and orders for the port as they may deem necessary, and to establish, and as often as need may be, to alter and regulate the fees and charges of the pilots or harbor master of the port for services required of them by virtue of such rules, regulations and orders.

Sec. 3528. How far authority to extend. 1868-'9, c. 208, s. 3.

They shall have authority in all matters that may concern the navigation of the harbor, Old Topsail inlet and all the waters of the sounds and rivers within ten miles of the town of Beaufort, and in the construction of wharves, and when there is no harbor master, the com-

commissioners aforesaid shall decide all disputes about the moving of vessels and other matters which properly fall within the department of harbor master.

Sec. 3529. Harbor master for Beaufort. 1868-'9, c. 208, s. 4.

The said commissioners immediately after their election shall appoint a harbor master for the port of Beaufort, who shall hold his office for the term of one year, unless sooner removed by the commissioners for neglect of duty; he shall be entitled to receive of the master of each vessel that shall enter said port, and for other services, such fees as the commissioners may prescribe.

Sec. 3530. Charges, &c., of branch pilots of Topsail inlet. 1868-'9, c. 208, s. 5.

The branch pilots of Old Topsail inlet shall be entitled to receive of the commander of such vessel as they may have in charge such rates of pilotage as the commissioners aforesaid may deem just and adequate, not to exceed twenty-five per cent. higher than that allowed by section thirty-five hundred and thirty-four, and the commissioners aforesaid shall revoke all branches now in force, and grant commissions or branches to such persons only as remain present at the port to discharge their duties, and shall charge for such commissions or branches such fees as they think just and reasonable.

Sec. 3531. New rates to be posted. 1868-'9, c. 208, s. 6.

When the commissioners aforesaid shall alter the rates of pilotage, they shall cause the new rates to be set up in the office of the collector of the port, and shall also cause them to be annexed to the several pilot branches certified under their hand.

Sec. 3532. Commissioners and their powers. 1868-'9, c. 208, s. 7.

The commissioners aforesaid shall have all the powers conferred on commissioners of navigation and pilotage, in this chapter.

Sec. 3533. Commissioners to take an oath of office. 1868-'9, c. 208, s. 8.

Before the commissioners aforesaid shall enter upon the duties of their office they shall take oath before the clerk of the superior court, or a justice of the peace, to faithfully discharge the duties of commissioners of navi-

gation and pilotage for the port of Beaufort, North Carolina.

Sec. 3534. Rates of pilotage at Old Topsail inlet. R. C., c. 85, s. 36. 1794, c. 426. 1798, c. 515. 1806, c. 711.

The branch pilots for Old Topsail inlet shall be entitled to receive of the commander of such vessel as they may have charge of, the following pilotage, namely: for every vessel of sixty tons burden, from the outside of the inlet, at any place within the limits of pilot ground, into Bogue road or Shackelford road, at the option of the commander, six dollars; for vessels drawing eight feet water and less than twelve, one dollar per foot; for all vessels drawing twelve feet and upwards, one dollar and twenty-five cents per foot; and the same fees for piloting outwards as inwards.

Sec. 3535. Rates of pilotage at Bogue inlet. R. C., c. 85, s. 37. 1792, c. 372, s. 2.

The branch pilots for Bogue inlet shall be entitled to receive of the commander of such vessel, as they may have charge of, the following pilotage, namely: for bringing any vessel into the said inlet, drawing less than seven feet, from the outside of the bar to the anchorage before the town, or the customary place in Hill's channel, fifty cents per foot; for a vessel drawing more than seven feet, seventy-five cents per foot; and the same fees for pilotage outwards as inwards.

Sec. 3536. Fees of pilots to be annexed to their commissions. R. C., c. 85, s. 38. 1784, c. 208, s. 4.

The commissioners of navigation for the several ports of this state shall annex to the branch or commission, by them given to each pilot, a copy of the fees to which such pilot is entitled.

Sec. 3537. Boards to designate where ballast, trash, &c., may be cast; penalty for throwing ballast, stone, &c., into navigable water, or pulling down beacons. R. C., c. 85, s. 40. R. S., c. 88, ss. 23, 24, 45. 1811, c. 839. 1833, c. 146, ss. 1, 2, 3. 1842, c. 65, s. 4. 1846, c. 60, s. 3.

The several boards of commissioners established by this chapter, may designate the places whereat, within the waters under their several and respective control, may be cast and thrown ballast, trash, stone, and such

like matter; and if any person shall cast or throw from any vessel, into the navigable waters of Carteret or Onslow counties, of Tar or Pamlico river, or into the navigable waters of the Cape Fear, or any other river in the state, or into any channel of navigable water elsewhere than in a river, any ballast, stone, shells, earth, trash or other substance likely to be injurious to the navigation of such waters, rivers, or channel; or if any person shall wilfully pull down any beacon, stake or other mark, erected or placed in virtue of this chapter, or any by-law, order or regulation, passed or ordained in pursuance thereof; the person so offending shall be guilty of a misdemeanor; and shall forfeit and pay two hundred dollars, to be recovered for the use of the commissioners in whose waters the offence was committed.

Sec. 3538. Penalty on pilots for not giving information of unlawful acts. R. C., c. 85, s. 41. 1784, c. 206, s. 11. 1833, c. 146, ss. 4, 5.

If any pilot shall knowingly suffer any such unlawful act to be done, and shall not within ten days thereafter give to the said commissioners, or one of them, information thereof, such pilot shall likewise be guilty of a misdemeanor; and, besides the usual punishment of such offence, on conviction, shall be forever incapable of acting as a pilot in the state: *Provided*, that it shall be the especial duty of the commissioners to enforce the penalties imposed in every section of this chapter, which, or part of which, are given to the commissioners.

Sec. 3539. Penalties and fines, how disposed of; annual report made thereof. R. C., c. 85, s. 42. 1783, c. 194, s. 10.

One-half of all the penalties, fines, and forfeitures, imposed in this chapter, which, or any part of which, are to be recovered by the commissioners, shall belong to the board, within whose jurisdiction the same may have been incurred, and shall be applied to the defraying of the expenses of the board; and the other half shall be applied to the improvement of the navigation of the waters, within the same jurisdiction. And an annual report of the last-mentioned half of such receipts, and the objects on which the same may have been expended, shall be made to the board of internal improvement.

CHAPTER FORTY-SEVEN.

POOR.

SECTION.

3540. Board of county commissioners to provide for the support of the poor.
3541. Paupers chargeable to the county to be maintained at the poor house.
3542. Paupers not to be hired out at auction.
3543. Paupers in the poor house, how supported.
3544. Legal settlements, how acquired:
- (1) By one year's residence;
 - (2) Married women to have the settlement of their husbands;
 - (3) Legitimate children to have

SECTION.

- the settlement of their father;
- (4) Illegitimate children that of their mother;
 - (5) Settlement to continue until new one acquired.
3545. Paupers to be removed to their settlements unless sick or disabled; charges of removal to be paid by the county of settlement; housekeepers entertaining paupers to notify board of commissioners.
3546. Families of poor militiamen in service to be supported by county.
3547. Indigent persons owning property.

Sec. 3540. Board of county commissioners to provide for the support of the poor. 1868, c. 20, s. 8, sub-section 24.

The board of commissioners of each county is authorized to provide by taxation for the maintenance, and to do all such matters and things as may be deemed expedient, for the comfort and well ordering of the poor; to employ biennially some competent person as overseer of the poor, with power to remove him for cause; to institute proceedings against any person coming into the county who is likely to become chargeable thereto, and to cause the removal of such person to the county where he was last legally settled; and to recover by action of the said county, all charges and expenses whatever incurred for the maintenance or removal of such poor persons.

State v. Hawkins, 77—494.

Sec. 3541. Paupers chargeable to the county to be maintained at the poor house. 1876-'7, c. 277, s. 1.

All paupers who may become chargeable to any county

shall be maintained at the county poor house, or at such place or places as the board of commissioners may select or agree upon.

Sec. 3542. Paupers not to be hired out at auction. 1876-'7, c. 277, s. 2.

No such paupers shall be let out at public auction, but the board of commissioners may make such arrangements for the support of paupers with their friends or other persons, when not maintained at the county poor house, as may be deemed best.

Sec. 3543. Paupers in the poor house, how supported. 1876-'7, c. 277, s. 3.

The board of commissioners may provide for the support of the paupers in the poor house by employing an overseer at a certain sum, or by paying a specified sum for the support of such paupers to any one who will take charge of the poor house and paupers, as said board may deem for the best interest of the county and the cause of humanity.

Sec. 3544. Legal settlements, how acquired. R. C., c. 86, s. 12. 1777, c. 117, s. 16.

Legal settlements may be acquired in any county, so as to entitle the party to be supported as a pauper therein, in the manner following, and not otherwise:

Ferrell v. Boykin, Phil., 9; *State v. Elam*, Phil., 460; *State v. McQuaig*, 63—550.

(1) BY ONE YEAR'S RESIDENCE.

Every person, who shall have resided continuously in any county for one year, shall be deemed legally settled in that county;

(2) MARRIED WOMEN TO HAVE THE SETTLEMENT OF THEIR HUSBANDS.

A married woman shall always follow and have the settlement of her husband, if he have any in the state; otherwise, her own at the time of her marriage, if she then had any, shall not be lost or suspended by the marriage, but shall be that of her husband, till another is acquired by him, which shall then be the settlement of both;

(3) LEGITIMATE CHILDREN TO HAVE SETTLEMENT OF FATHER.

Legitimate children shall follow and have the settlement of their father, if he have any in the state, until they gain a settlement of their own; but if he have none, they shall, in like manner, follow and have the settlement of their mother, if she have any;

(4) ILLEGITIMATE CHILDREN, THAT OF THEIR MOTHER.

Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the state. But neither legitimate nor illegitimate children shall gain a settlement by birth, in the county in which they may be born, if neither of their parents had any settlement therein;

(5) SETTLEMENT TO CONTINUE UNTIL NEW ONE ACQUIRED.

Every legal settlement shall continue till it shall be lost or defeated by acquiring a new one, within or without the state; and upon acquiring such new settlement, all former settlements shall be defeated and lost.

Sec. 3545. Paupers to be removed to their settlements, unless sick or disabled; charges of removal to be paid by county of settlement; housekeepers entertaining paupers to notify board of commissioners. R. C., c. 86, s. 13. 1777, c. 117, s. 17. 1834, c. 21.

Upon complaint made by the chairman of the board of county commissioners, before a justice of the peace, that any person has come into the county, who is likely to become chargeable thereto, the justice by his warrant shall cause such poor person to be removed to the county where he was last legally settled; but if such poor person be sick or disabled, and cannot be removed without danger of life, the board of commissioners shall provide for his maintenance and cure at the charge of the county; and after his recovery shall cause him to be removed, and pay the charges of his removal; and the county, wherein he was last legally settled, shall repay all charges occasioned by his sickness, maintenance, cure, and removal, and all charges and expenses whatever, if such person shall die before removal. And if the board of commissioners of the county, to which such poor person belongs, shall refuse to receive and provide for him when removed as aforesaid, every commissioner so refusing shall forfeit and pay forty dollars, for the use of the

county whence the removal was made; moreover, if the board of commissioners of the county, where such person was legally settled, shall refuse to pay the charges and expenses aforesaid, they shall be liable for the same; and if any housekeeper shall entertain such poor person, and shall not give notice thereof to the board of commissioners of his county, or one of them, within one month, the person so offending shall forfeit and pay ten dollars.

Prue v. Hight, 6 Jon., 265; *State v. McQuaig*, 63—550.

Sec. 3546. Families of poor militiamen in service to be supported by county. R. C., c. 86, s. 14. 1779, c. 152.

When any citizen of the state is absent on service as a militiaman, and his family are unable to support themselves during his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

Sec. 3547. Indigent persons owning property. 1866, c. 49.

Whenever any indigent person becomes chargeable to a county for maintenance and support in accordance with the provisions of this chapter, owning any estate, it shall be the duty of the board of commissioners of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided in the chapter entitled "Idiots and Lunatics."

CHAPTER FORTY-EIGHT.

PUBLIC ARMS.

SECTION.	SECTION.
3548. Public arms to be deposited in public arsenals, &c.	3551. A town or senior colonel may, on giving bond.
3549. Keeper of arms at arsenals appointed by adjutant-general.	3552. Treasurer to pay freight on.
3550. Volunteer companies, how to obtain arms.	3553. Arms distributed on invasion, &c.
	3554. Duty of officers receiving arms.

SECTION.

3555. Not keeping arms in order, penalty.
3556. Selling, buying or embezzling public arms, misdemeanor.
3557. On death, &c., of the private, his arms delivered to successor.
3558. Officers to demand public arms of persons not entitled.

SECTION.

3559. Detachments in service may have arms, when.
3560. Arms kept in arsenals, when allowed school's.
3561. When adjutant-general fails to draw arms specified, what arms sent.

Sec. 3548. Public arms to be deposited in public arsenals, &c. R. C., c. 89, s. 1. 1820, c. 1058. 1822, c. 1168. 1828, c. 31. 1846, c. 3.

All the public arms of every description, belonging to the state, which may not be distributed among the militia according to law, shall, under the direction of the adjutant-general, be deposited and kept in the public arsenals established at Raleigh and Fayetteville, and the depot of arms in the town of New-Berne or its vicinity, in such proportion as the governor may prescribe.

Sec. 3549. Keeper of arms at arsenals appointed by adjutant-general. R. C., c. 89, s. 2. 1822, c. 1168. 1828, c. 31. 1830, c. 21, s. 5. 1846, c. 3. 1848, c. 6. 1852, c. 52.

The adjutant-general shall, at each place where an arsenal or depot of arms is established, appoint some suitable person keeper of the same, who shall be allowed not exceeding sixty dollars per annum; and the superintendent of the depot of arms in the town of New-Berne or its vicinity, for his services and the rent of a building, shall receive one hundred and fifty dollars yearly, the one-half thereof to be paid semi-annually. The adjutant-general may make regulations respecting the duty of the superintendent; may require bond and security for the faithful discharge of his duty; and at the pleasure of the adjutant-general he may be removed, and another appointed in his place. The governor may make such provisions as he may think necessary for guarding and protecting the arsenals and depots of arms, and for the purpose of defraying the expenses incurred under this and the preceding section, he may, upon the certificate of the adjutant-general, from time to time draw on the state treasurer for such sums as may be necessary.

Sec. 3550. Volunteer companies, how to obtain public arms. R. C., c. 89, s. 3. 1819, c. 1027. 1822, c. 1168. 1846, c. 2. 1854.

Whenever any volunteer company of infantry, light-infantry, or riflemen, artillery, or cavalry may be formed out of the militia, and it shall appear to the governor, by a certificate from the brigadier-general of the brigade in which such company is formed; or in case of his death or absence, by the certificate of the highest officer in command of the militia of any county where such company may be formed, that the said corps has enrolled as members the number of officers and men required for such a company, and is otherwise equipped except as to arms and accouterments, then the governor may direct such portion of the arms as may be necessary for the company, to be delivered to the commanding officer, taking his receipt for the same, but no such officer shall be allowed to draw the arms before he shall have given bond, with two good securities, if required, in double the appraised value of the arms, conditioned for the safe-keeping, cleaning and returning thereof, whenever the company shall be dissolved, or the governor shall direct.

Sec. 3551. A town or senior colonel may, on giving bond. R. C., c. 89, s. 4. 1830, c. 21, s. 2.

In case the public authority of any town, or the senior colonel of any county, shall petition the governor for any number not exceeding sixty-five stand of the public arms, he is authorized to furnish them: *Provided*, bond be given with the approved security, if required, for the safe keeping, preservation and return of the same: *Provided further*, that no one county shall receive a greater number than sixty-five, unless in case of insurrection or invasion.

Sec. 3552. Treasurer to pay freight on. 1874-'5, c. 21.

The auditor of the state is hereby authorized and directed to issue his warrant upon the state treasurer for the payment of such sums as may be certified by the adjutant-general and governor, and as may be actually necessary to pay the freight and drayage upon the public arms received as the quota of North Carolina from the United States government, under the acts making provision for the arming of the militia of the several states and territories, or returned to the arsenals of the United States for exchange under the act of congress of one thousand eight hundred and seventy-three.

Sec. 3553. Arms distributed on invasion, &c. R. C., c. 89, s. 5. 1830, c. 21, s. 3.

In case of insurrection or invasion, or a probability thereof, the governor is authorized to distribute the public arms and send them to such places as he may deem necessary and expedient, and to draw warrants on the treasurer of the state for the sums necessary for that purpose.

Sec. 3554. Duty of militia officers receiving arms. R. C., c. 89, s. 6. 1831, c. 45, s. 3.

When public arms shall be delivered to any colonel commandant for distribution in his county, he shall take receipts of the captains in whose hands they may be placed, and give the necessary orders for keeping the same safe and in good order; and the captains, when they distribute the arms to their respective companies, shall take from each man a receipt at full length under seal, in the muster book of their companies, in double the value of the arms, conditioned for the safe keeping and returning thereof, when called for by the colonel commandant; which muster or receipt book shall be carefully kept, and be subject to the inspection of the colonel whenever he may desire it; and on the death, resignation or removal of the captain, the book shall be handed over to the officer who may be appointed to command the company.

Sec. 3555. Not keeping arms in order, penalty for. R. C., c. 89, s. 7. 1831, c. 45, s. 4.

Every non-commissioned officer and private belonging to any company equipped with public arms, shall keep and preserve his arms and accouterments in good order, and in a soldier-like manner; and for every neglect to do so, shall be fined by the court-martial of his company, a sum not less than two nor more than ten dollars; which fines shall be laid out by the captains for the repairs of the arms; and if a company so equipped shall generally keep their arms in a negligent and unsoldier-like manner, the colonel to whose regiment the company belongs shall deprive said company of the public arms and accouterments, and bestow them on some other company of his regiment, under the regulations aforesaid.

Sec. 3556. Selling, buying or embezzling public arms, misdemeanor. R. C., c. 89, s. 8. 1831, c. 45, s. 5.

If any person to whom shall be confided public arms or accouterments, shall sell, or in any manner embezzle

the same, or any part thereof, or if any person shall purchase any of them, knowing them to be such, the person so offending shall be guilty of a misdemeanor.

Sec. 3557. On death, &c., of a private, his arms delivered to successor. R. C., 89, s. 9. 1831, c. 45, s. 6.

When any non-commissioned officer or private of such company shall die, remove from the county, or be excused from performing military duty, the captain thereof shall immediately take his arms and accouterments into possession, and deliver them to his successor in the company; and the captain shall keep them safely and in good order while they remain in his possession.

Sec. 3558. Officers to demand public arms of persons not entitled. R. C., c. 89, s. 10. 1831, c. 45, s. 7.

Every commissioned officer of the militia, whenever and wherever he shall see or learn that any of the arms belonging to the state are in the possession of any person other than in whose hands they may be placed for safe-keeping, under the provisions of this chapter, shall make immediate demand for the same personally or in writing; and should such person refuse to deliver them to the officer, he shall be guilty in like manner, and punished in like manner, as for selling or embezzling public arms.

Sec. 3559. Detachments in service may have arms, when. R. C., c. 89, s. 11. 1831, c. 45, s. 8.

The governor may order the colonel commandant of the county where any of the public arms may be distributed, to place the same in the hands of any detachment of the militia ordered into the service of the state, or of the United States, if he shall judge it necessary.

Sec. 3560. Arms kept in arsenal, when allowed schools. 1873-'4, c. 96, s. 2.

The said arms shall be kept in the arsenal at Raleigh, and upon the application of the principal of any military school setting forth the number of students and the number of arms required, and giving the bond, as now required by law, it shall be the duty of the adjutant-general, under the direction of the governor, to issue the number so required, and take the receipt from the principal, which shall be filed as similar receipts are now filed.

Sec. 3561. When adjutant-general fails to draw arms specified, what arms sent. 1873-'4, c. 96, s. 3.

Should the adjutant-general, under the direction of the governor, fail to draw the arms specified, then it shall be his duty upon application as aforesaid, to issue to said principal any arms which may be in the said arsenal.

CHAPTER FORTY-NINE.

PUBLIC DEBT.

SECTION.

3562. Bonds and certificates transferable; mode of transfer.
3563. In what manner state bonds shall be executed, &c.; coupons of interest attached; money, where payable; no bonds under one thousand dollar to issue.
3564. Memorandum of state bonds, with numbers, &c., to be kept.
3565. What state bonds exempt from taxation.
3566. Title of the act or date of the chapter to be recited in the bond.
3567. Chief clerk authorized to transfer and make indorsements in certain cases.
3568. State treasurer to register coupon bonds.
3569. Duty of treasurer; registration fee; registry received as evidence.
3570. Registered bonds, how transferred.
3571. Enumeration of fundable bonds; bonds issued before the twentieth of May, one thousand eight hundred and sixty-one, exception; under acts 1865, c. 3; 1866-'7, c. 56;

SECTION.

- 1866, c. 37; 1868, c. 32; registered certificates, issued under act 1866-'7, c. 68, to be surrendered to treasurer; treasurer to issue new bonds.
3572. Denomination of bonds; how signed, &c.
3573. Exempt from taxation; coupons receivable in payment of taxes.
3574. Rates of exchange:
 (1) Bonds exchangeable at forty per cent.;
 (2) Bonds exchangeable at twenty-five per cent.;
 (3) Bonds exchangeable at fifteen per cent.; proviso.
3575. Form of bonds.
3576. Taxes applicable to payment of interest.
3577. Excess of fund accruing from taxes to be applied to purchase of bonds.
3578. Treasurer to keep descriptive list of bonds surrendered; surrendered bonds to be destroyed.
3579. Treasurer to keep a descriptive list of bonds issued.
3580. Executors, &c., authorized to exchange bonds.

SECTION.	SECTION.
3581. Limitation of this chapter; treasurer to cancel coupons on bonds maturing prior to delivery of such bonds.	tificates to persons surrendering bonds.
3582. Interest to be paid out of state treasury in case of insufficiency of fund accruing from taxes.	3591. Commissioners empowered to sell new bonds, and invest proceeds in purchase of old bonds; proviso.
3583. Contingent bonds issued for payment of interest in case of insufficiency of fund accruing from taxes and deficit in treasury; treasurer authorized to issue bonds; when payable; description of bond, how signed, &c.; exempt from taxation; coupons.	3592. Treasurer to issue new bonds upon presentation of certificates; description thereof.
3584. Treasurer authorized to sell contingent bonds; proviso.	3593. To be coupon bonds; denominations; how signed; coupons receivable in payment of taxes.
3585. Provisions of this chapter for payment of interest, applicable to payment of interest on contingent bonds.	3594. Treasurer to keep account and descriptive list of bonds; to cancel certificates.
3586. Appropriations to carry out provisions of this chapter.	3595. Bonds exempt from taxation; to stand in place of old bonds; to have same lien on state stock in North Carolina railroad as old bonds; dividends on stock to be applied in payment of coupons.
3587. Treasurer to give notice.	3596. Executors, &c., authorized to exchange bonds as provided; empowered to invest trust funds in new bonds.
3588. Governor authorized to appoint commissioners to negotiate with the holders of the construction bonds of the North Carolina railroad; terms to be approved by governor and treasurer.	3597. Commissioners to hold old bonds in trust for payment of new ones; to collect dividends; amounts received paid to treasurer and applied to payment of interest on new bonds; when and how old bonds to be canceled.
3589. Commissioners authorized, with consent of governor and treasurer, to contract for renewal of old bonds.	3598. Commissioners to give bond, &c.; compensation.
3590. Commissioners to issue cer-	3599. Vacancy

Sec. 3562. Bonds and certificates transferable; mode of transfer. R. C., c. 90, s. 2. 1848, c. 37, s. 5. 1850, c. 58, s. 4. 1852, c. 11.

All bonds or certificates of debt of the state, which now are or hereafter may be issued on behalf of the state, shall be transferable: such as are payable to bearer, by delivery; and such as are payable to the holder by name alone, may be transferred by the holder or his

agent, in a book to be kept for that purpose by the state treasurer, on surrendering for cancellation the outstanding bond or certificate; and in this latter case of transfer, a new bond or certificate for the same amount shall be issued.

Sec. 3563. In what manner state bonds shall be executed, &c.; coupons of interest attached; money, where payable; no bonds under one thousand dollar to issue. R. C., c. 90, s. 3. 1848, c. 89, s. 22. 1852, c. 9, 10, s. 1.

All bonds or certificates of debt of the state, hereafter to be issued as originals, or as substitutes for such as may be surrendered for transfer, by virtue of any act now or to be hereafter passed, shall be signed by the governor, and countersigned by the state treasurer, and sealed with the great seal of the state, and shall be made payable to such person by name as may be the purchaser, or to bearer; and the principal shall be made payable by the state, at a day named in the bond or certificate. And coupons of interest, in such form as may be prescribed by the state treasurer, shall be attached to the certificate, and the certificates and coupons attached thereto shall be made payable at such bank or place in the city of New York as the state treasurer may designate, or at the office of the state treasurer at Raleigh, if preferred by the purchaser: *Provided*, that if the purchaser or holder so may desire, the bond or certificate shall be payable to him alone, and not to bearer: *Provided further*, that no certificate shall issue for a less sum than one thousand dollars, unless the same be issued for a surrendered bond of less amount; nor shall any original bond or certificate of debt of the state be sold for a sum less than par value; nor shall any such bond or certificate, issuing in lieu of a transferred bond or certificate, be payable elsewhere than may be the original, except by the consent of the holder, it may be made payable at the state treasury.

Sec. 3564. Memorandum of state bonds, with numbers, &c., to be kept. R. C., c. 90, s. 4. 1852, c. 10, s. 2.

The state treasurer shall enter in a book to be kept for that purpose, a memorandum of every bond, or certificate of debt of the state, issued or to be issued under any act whatever, together with the numbers, dates of issue, when and where payable, at what premium, and to whom the same may have been sold or issued.

Sec. 3565. What state bonds exempt from taxation. R. C., c. 90, s. 5. 1852, c. 10, s. 4.

The original bonds or certificates of debt of the state, which have been issued since the first day of January, one thousand eight hundred and fifty-three, or which may hereafter be issued under the authority of any act whatever; as likewise the bonds and certificates substituted for such original bonds and certificates, shall be, they and the interest accruing thereon, exempt from taxation.

Sec. 3566. Title of the act or date of the chapter to be recited in the bond. R. C., c. 90, s. 6. 1850, c. 90, s. 2.

In every bond or certificate of debt issued by the state, and in the body thereof, shall be set forth the title of the act, with the year of its enactment, under the authority of which the same may be issued; or reference thereto shall be made by the number of the chapter, and the year of the legislative session.

Sec. 3567. Chief clerk authorized to transfer and make indorsements in certain cases. 1864-'5, c. 24.

In all cases where the state treasurer may be absent from his office by sickness or other cause, and coupon bonds may be presented for registration or transfer, the chief clerk, during such absence of the treasurer, may make such indorsements, and witness the same, and also such transfers of the said bonds as by law the treasurer himself is authorized to do.

Sec. 3568. State treasurer to register coupon bonds. 1883, c. 25, s. 1.

Any holder of the bonds of the state, whether in his own right or in a fiduciary capacity, may have the same registered at the office of the state treasurer upon application and presentation of said bonds to the treasurer as hereinafter provided.

Sec. 3569. Duty of treasurer; registration fee; registry received as evidence. 1856, c. 16. 1883, c. 25, s. 2.

It shall be the duty of the treasurer to procure and provide at the expense of the state a suitable book or books, in which upon application and presentation of a bond or bonds as aforesaid, he shall enter in a manner to be of easy and ready reference, a description of said bond or bonds, giving the number, series, date of issue, denomination, by whom signed, and such other data as may be

necessary for the ready identification thereof, together with the name of the person registering the same, the character or capacity in which said person holds said bond or bonds, and for whose benefit the same is or are registered; and the said treasurer shall enter upon each and every bond so registered as aforesaid, the date of said registration, by whom registered and in what character and capacity, and shall sign said entry officially; and shall cut with a stamp prepared therefor under the direction of the treasurer the letter "R" in the face of said bonds so registered, and such person or persons having such bond or bonds so registered shall be required to pay to the treasurer the sum of fifty cents for each bond so registered, which said registry fee shall be paid into the treasury by said treasurer. The registry of said bonds shall be received as evidence of their existence, amount, and when due and payable, in all cases, when the original is lost or destroyed, or cannot be obtained.

Sec. 3570. Registered bonds, how transferred. 1883, c. 25, s. 3.

None of said bonds shall, after such registration, be negotiable by delivery, but may nevertheless be negotiated or transferred by the person in whose name they are registered, by registration in the name of the person to whom the same are to be transferred or negotiated.

Sec. 3571. Enumeration of fundable bonds; bonds issued before the twentieth day of May, one thousand eight hundred and sixty-one, exception; under acts one thousand eight hundred and sixty-five, chapter three; one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, chapter fifty-six; one thousand eight hundred and sixty-six, chapter thirty-seven; one thousand eight hundred and sixty-eight, chapter thirty-two; registered certificates issued under acts one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, chapter sixty-eight, to be surrendered to treasurer; treasurer to issue new bonds. 1879, c. 98, s. 1.

When any person holding and owning any bond or bonds of the state, issued in pursuance of any act of assembly, passed at any time before the twentieth day of May, one thousand eight hundred and sixty-one, exclusive of bonds issued for the construction of the North Carolina railroad, or in pursuance of the act of the general assembly passed at its session in one thousand eight hundred and sixty-

five, it being chapter three of the laws of one thousand eight hundred and sixty-five, or in pursuance of an act passed by the general assembly at its session in one thousand eight hundred and sixty-seven, it being chapter fifty-six of the laws of one thousand eight hundred and sixty-seven, or in pursuance of an act entitled "An act to provide for the payment of the state debt contracted before the war," ratified on the tenth day of March, one thousand eight hundred and sixty-six, or in pursuance of an act entitled "An act to provide for funding the matured interest on the public debt," ratified the tenth day of August, one thousand eight hundred and sixty-eight; or any registered certificate or certificates belonging to the board of education, issued in pursuance of an act of the general assembly of one thousand eight hundred and sixty-seven, shall surrender and deliver such bond or bonds, with the coupons attached thereto, or registered certificate or certificates, to the state treasurer, then and in that case it shall be the duty of the treasurer to issue and deliver to the person surrendering such bond or bonds, certificate or certificates, a new bond or bonds of the state, due and payable thirty years from the first day of July, one thousand eight hundred and eighty, bearing interest from date at the rate of four per cent. per annum, payable semi-annually, on the first days of January and July in each successive year, at the office of the state treasurer.

Leak v. Bear, 80—271.

Sec. 3572. Denomination of bonds; how signed, &c. 1879, c. 98, s. 2.

The said bonds to be issued in place of the bonds surrendered are to be coupon bonds of the denomination of fifty dollars, one hundred dollars, five hundred dollars and one thousand dollars, and are to be numbered from one upwards, in accordance with the order of issue. They shall be signed by the governor and treasurer, and sealed with the great seal of the state; but the coupons thereon may be signed by the treasurer alone, or have a *fac simile* of his signature printed, engraved or lithographed thereon.

Sec. 3573. Exempt from taxation; coupons receivable in payment of taxes. 1879, c. 98, s. 3.

The said bonds shall be exempt from all state, county or corporate taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of

general revenue or otherwise. The said coupons shall be receivable in payment of any and all state taxes, and the same shall be expressed on the face of each coupon; the coupon shall bear the same number as the bonds to which they are attached, and in addition be numbered from one upwards, in accordance with the date of their maturity.

Sec. 3574. Rates of exchange. 1879, c. 98, s. 4.

The said bonds shall be exchanged for the old bonds of the state, mentioned in section thirty-five hundred and seventy-one, at the following rates:

CLASS (1) BONDS EXCHANGEABLE AT FORTY PER CENT.

For the bonds issued before the twentieth day of May, eighteen hundred and sixty-one, forty per cent. of the principal of the bond or bonds so surrendered.

CLASS (2) BONDS EXCHANGEABLE AT TWENTY-FIVE PER CENT.

For the bonds issued since the close of the war, by authority of acts passed before the war to aid in the construction of the Western North Carolina railroad and the bonds issued in pursuance of the said act of assembly of eighteen hundred and sixty-five, chapter three; and act of assembly, eighteen hundred and sixty-seven, chapter fifty-six; the bonds issued October first, eighteen hundred and sixty-one, by authority of act of eighteen hundred and sixty-one, chapter one hundred and thirty-seven, for Western (Coalfield) railroad; the bonds issued October first, eighteen hundred and sixty-one, by authority of the act of eighteen hundred and fifty-four and fifty-five, chapter two hundred and twenty-eight, section thirty-five; and resolution September the twelfth, eighteen hundred and sixty-one, and the said registered certificates of the literary fund, for the bonds issued July the first, eighteen hundred and sixty-two, by authority of act of eighteen hundred and sixty and sixty-one, chapter one hundred and forty-two, for the construction of the Wilmington, Charlotte and Rutherford railroad, twenty-five per cent. of the principal of the bonds or certificates so surrendered.

CLASS (3) BONDS EXCHANGEABLE AT FIFTEEN PER CENT.; PROVISIO.

And those issued in pursuance of the said funding acts of March the tenth, eighteen hundred and sixty-six; and

August the twentieth, eighteen hundred and sixty-eight, fifteen per cent. of the principal of the bond or bonds so surrendered: *Provided*, that all bonds issued in exchange for the new bonds shall be surrendered with all the coupons attached.

Sec. 3575. Form of bonds. 1879, c. 98, s. 5.

The bonds so issued shall be in the usual form of bonds of this state, except as modified and provided by this chapter, and shall have printed on the face of the same the words:

"Issued in pursuance of an act entitled an 'act to compromise, commute and settle the state debt,' ratified the.....day of....., Anno Domini one thousand deight hundred and seventy-nine, and in large red letters, 'The Consolidated Debt of the State.'"

Sec. 3576. Taxes applicable to payment of interest. 1879, c. 98, s. 6.

All state taxes levied and collected from professions, trades, incomes, merchants, dealers in segars, and three-fourths of all the taxes collected from wholesale and retail dealers in spirituous, vinous and malt liquors, shall be held and applied to the payment of the interest on said bonds, and the provisions of this section shall be deemed and taken to be a material part of the consideration for which the bonds of the state shall or may be surrendered.

Sec. 3577. Excess of fund accruing from taxes to be applied to purchase of bonds. 1879, c. 98, s. 7.

If the whole fund raised by such taxes shall not in any one year be required to pay such accruing interest, then and in that case it shall be the duty of the treasurer, with the sanction of the governor and the auditor, to buy with the surplus of such of the consolidated bonds as he can buy at the lowest price after thirty days' advertisement in at least two papers published in Raleigh, and he shall forthwith cancel any such bonds so purchased.

Sec. 3578. Treasurer to keep descriptive list of bonds surrendered; surrendered bonds to be destroyed. 1879, c. 98, s. 8.

The treasurer shall provide a substantially bound book for the purpose, in which he shall make a correct descriptive list of the bonds so surrendered, which list shall embrace the number, date and amount of each, and the purpose for which the same was issued, when this can be ascertained, and the names of the persons surren-

ing the same, and after such list shall be made, such surrendered bonds being ascertained to be present, shall be consumed by fire in the presence of the governor, the treasurer, the auditor, the attorney-general, the secretary of state and superintendent of public instruction, who shall each certify under his hand respectively in such book that he saw such described bonds so consumed and destroyed.

Sec. 3579. Treasurer to keep a descriptive list of bonds issued. 1879, c. 98, s. 9.

The treasurer shall provide a well bound book, in which shall be kept an accurate account and descriptive list of the new bonds to be issued, and such descriptive list shall embrace the date, number and amount of such bond or bonds, for which the same issued, and the name of the person to whom issued.

Sec. 3580. Executors, &c., authorized to exchange bonds. 1879, c. 98, s. 10.

It shall be lawful for any executor, administrator, guardian, trustee, director of any corporation, and any and all other persons acting in a fiduciary capacity, holding bonds of the state, to make the exchange provided in this chapter, and they shall be absolved from all liability on account of said exchange.

Sec. 3581. Limitations of this chapter; treasurer to cancel coupons on bonds maturing prior to the delivery of such bonds. 1879, c. 98, s. 11. 1883, c. 6, ss. 1, 2.

So much of this chapter as relates to the exchange and issue of bonds shall continue in force until the first day of January, one thousand eight hundred and eighty-five: *Provided*, that in issuing bonds under sections thirty-five hundred and seventy-one and thirty-five hundred and seventy-four the state treasurer shall, before delivering any new bonds thereunder, cut off and cancel all coupons whose date of maturity is prior to the time of such delivery.

Sec. 3582. Interest to be paid out of state treasury in case of insufficiency of fund accruing from taxes. 1879, c. 98, s. 12.

As a further provision for the purpose of paying the interest on these said new bonds, if the taxes for any one year upon the subjects of taxation hereinbefore mentioned shall be insufficient to pay said interest, then and

in that case the state treasurer shall be authorized to apply any funds in the treasury not otherwise appropriated to that purpose.

Sec. 3583. Contingent bonds issued for payment of interest in case of insufficiency of fund accruing from taxes and deficit in treasury; treasurer authorized to issue bonds; when payable; description of bond, how signed, &c.; exempt from taxation; coupons. 1879, c. 98, s. 13.

In the event that the taxes collected in any one year upon the aforesaid subjects of taxation, and the funds not otherwise appropriated in the treasury when added together shall be inadequate to pay said interest, then, in order to provide for the deficiency, the state treasurer is authorized to issue coupon bonds of the denomination of five hundred dollars, bearing date the first day of October or April of the year of the issue, according as one or the other of said dates shall be nearest in point of time to the date of the issue. Said bonds shall be payable forty years after date, but redeemable after ten years at the option of the state, with interest at the rate of six per centum per annum, payable semi-annually on the first days of April and October. Said bonds shall bear upon their face in red letters the words "Contingent Bonds," and shall be numbered from one upwards, in accordance with the order of their issue. They shall be signed by the governor and treasurer and sealed with the great seal of the state; but the coupons thereon may be signed by the treasurer alone, or have a *fac simile* of his signature printed, engraved or lithographed thereon. The said bonds and coupons shall be exempt from all state, county or corporate taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and they shall be lawful investments by all executors, administrators, guardians and fiduciaries generally. The coupons on said bonds shall bear the same number as the bonds to which they are attached, and shall in addition be numbered from one upwards in accordance with the date of their maturity, and they shall be and shall so express upon their face that they are receivable at and after maturity in payment of all taxes, debts, demands and dues to the state of every nature and kind whatsoever.

Sec. 3584. Treasurer authorized to sell contingent bonds; proviso. 1879, c. 98, s. 14.

The state treasurer shall be authorized to sell so many

of said bonds at par as shall be necessary to provide for the deficiencies aforesaid; *Provided*, that he shall not issue and sell in the aggregate more than six hundred of these bonds,

Sec. 3585. Provisions of this chapter for payment of interest applicable to payment of interest on contingent bonds. 1879, c. 98, s. 15.

The provisions of this chapter for paying the interest on the consolidated bonds shall apply as well to the payment of the interest of the said contingent bonds.

Sec. 3586. Appropriation to carry out provisions of this chapter. 1879, c. 98, s. 16. 1883, c. 6, s. 4.

For the purpose of carrying out the provisions of this chapter in relation to the furnishing of proper blank bonds and coupons, and for the purpose of advertising through the public journals, or otherwise, the details of exchange, for the information of the holders of the bonds, the state treasurer is authorized, with the approval of the governor, to use any funds not otherwise appropriated in the treasury, not exceeding the sum of five thousand dollars.

Sec. 3587. Treasurer to give notice. 1879, c. 98, s. 17.

The state treasurer is authorized to give public notice of this plan for a settlement of the state's indebtedness by advertising in such newspapers as he may select.

Sec. 3588. Governor authorized to appoint commissioners to negotiate with the holders of the construction bonds of the North Carolina railroad, terms to be approved by governor and treasurer. 1879, c. 138, s. 1.

In order to renew and adjust a portion of the state debt incurred to aid in the construction of the North Carolina railroad, and obtain an extension of time of paying the same and reduce the rate of interest thereon, the governor is hereby authorized to appoint three commissioners for the purpose of negotiating with the holders of said bonds and contracting with them for a renewal of the said debt on terms which may be advantageous to the state, and which shall be approved by the governor and state treasurer.

Sec. 3589. Commissioners authorized, with consent of governor and treasurer, to contract for renewal of old bonds. 1879, c. 138, s. 2.

The said commissioners are hereby authorized, with the

advice and consent of the governor and state treasurer, to contract and agree with holders of said old construction bonds for the renewal of the same with new bonds, to be issued under the provisions of the succeeding sections upon such terms as may be agreed on by and between the said commissioners and the holders of said bonds.

Sec. 3590. Commissioners to issue certificates to persons surrendering bonds. 1879, c. 138, s. 3.

The said commissioners shall issue to each and every person delivering to them such old construction bonds in accordance with the terms of renewal which may be agreed on, a certificate which shall state the date, amount and number of the bonds and coupons delivered to them by each person, and number and amount of the new bonds which such person may be entitled to receive in renewal thereof. They shall file a copy of said certificate with the state treasurer immediately after the issue thereof.

Sec. 3591. Commissioners empowered to sell new bonds, and invest proceeds in purchase of old bonds; proviso. 1879, c. 138, s. 4.

The said commissioners, with the advice and consent of the governor and state treasurer, shall have power to sell said new bonds at par and invest the proceeds thereof in the purchase of the said old bonds: *Provided*, that no sale of such new bonds shall be made by said commissioners unless the proceeds thereof can be immediately invested in the purchase of said old bonds at a rate not greater than that at which they are being exchanged for new bonds, and not more than fifty thousand dollars of said bonds shall be sold at the same time, nor shall a future sale of bonds be made until the proceeds of previous sales have been invested in the purchase of bonds as aforesaid. Upon the sale of such bonds the commissioners shall issue a certificate to the purchaser thereof, stating the number and amount of such bonds to which such purchaser is entitled.

Sec. 3592. Treasurer to issue new bonds upon presentation of certificates; description thereof. 1879, c. 138, s. 5.

Upon presentation of the certificate directed by the preceding section to the state treasurer he shall deliver to the owner thereof the number and amount of state bonds to which he may be entitled according to said certificate, and for the purpose of effecting the renewal of

said bonds, the state treasurer is hereby authorized and directed to issue bonds of the state, payable forty years from the first day of April, one thousand eight hundred and seventy-nine, bearing interest from the first day of April, one thousand eight hundred and seventy-nine, at such rate as may be agreed upon, not to exceed six per cent. per annum, payable semi-annually on the first days of April and October of each and every year until the principal shall be due.

Sec. 3593. To be coupon bonds; denominations; how signed; coupons receivable in payment of taxes. 1879, c. 138, s. 6.

The bonds authorized by the preceding section shall be coupon bonds of the denomination of fifty, one hundred, five hundred, and one thousand dollars each, and shall be signed by the governor and state treasurer, and shall be sealed with the great seal of the state; the coupons thereon may be signed by the treasurer alone, or have a *fac simile* of his signature printed, engraved or lithographed thereon, and the said bonds and coupons shall in all other respects be in such form as the treasurer may direct, and shall express on their face that they are issued in renewal of said bonds; and the coupons thereon shall after maturity be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the state, of every kind whatsoever, which shall be expressed on the face thereof.

Sec. 3594. Treasurer to keep account and descriptive list of bonds; to cancel certificates. 1879, c. 138, s. 7.

The state treasurer, before delivering any of said bonds, shall record in a well bound book an accurate account and descriptive list of the said bonds, which shall embrace the date, amount and number thereof, and the name of the person to whom issued, and shall receive and cancel the certificate issued by said commissioners on which such bonds are issued by him; but no bonds shall be issued by the treasurer but in execution of the provisions of this chapter.

Sec. 3595. Bonds exempt from taxation; to stand in place of old bonds; to have same lien on state stock in North Carolina railroad as old bonds; dividends on stock to be applied in payment of coupons. 1879, c. 138, s. 8.

The said new bonds and coupons shall be exempt from all taxation whatsoever, state, county and municipal, general

and special, and the same shall be expressed on the face thereof, and shall in all respects stand in the place of and be entitled to the same securities as are the old bonds and coupons aforesaid, and shall have the same lien on the stock of the state in the said railroad company which the said old bonds and coupons now have; and the state treasurer shall apply the dividends received by the state on its stock in said company to the payment of the coupons on said new bonds.

Sec. 3596. Executors, &c., authorized to exchange bonds as provided; empowered to invest trust funds in new bonds. 1879, c. 138, s. 9.

It shall be lawful for any executor, administrator, guardian, trustee, and all persons acting in a fiduciary character, holding any of the bonds hereby authorized to be exchanged, to make the exchange for the bonds herein authorized to be issued; and they shall be absolved from liability or responsibility to any person having any interest in such bonds on account of such transfer and exchange; and they shall have the power to invest any trust fund held by them in the bonds authorized to be issued, and the same shall be taken and regarded in all the courts as a good, legal, and valid investment of such trust funds by such fiduciary.

Sec. 3597. Commissioners to hold old bonds in trust for payment of new ones; to collect dividends; amounts received paid to treasurer and applied to payment of interest on new bonds; when and how old bonds to be canceled. 1879, c. 138, s. 10.

The said commissioners shall hold all the construction bonds and coupons delivered to or purchased by them in trust for the payment of the principal and interest on the said new bonds, and shall collect and receive all payments and dividends paid and made on said old bonds and coupons so held by them from any person authorized to pay the same; and said commissioners shall pay the amounts thus received to the state treasurer, and they shall be applied by him to the payment of the interest on the new bonds issued in pursuance of this chapter. The said old bonds shall not be canceled, but shall remain in force until the governor shall direct the same to be delivered to the state treasurer for cancellation, at which time the said bonds shall be canceled by the state treasurer in the presence of the governor; and they shall certify under their hands the number, amount and date of bonds

and coupons canceled by them, which certificate shall be safely kept in the office of the state treasurer.

Sec. 3598. Commissioners to give bond, &c.; compensation. 1879, c. 138, s. 11.

The commissioners hereby authorized to be appointed shall enter into bonds, payable to the state, in the penal sum of fifty thousand dollars, with good security, to be accepted by the state treasurer, and conditioned for the faithful performance of their duties, and shall receive as compensation for their services a commission of one-half of one per cent. on the amount of all bonds purchased by them, to be paid by the person or persons from whom the same may be purchased, and shall in no case receive any compensation from the state.

Sec. 3599. Vacancy. 1879, c. 138, s. 12.

In case of the death, resignation or removal of the said commissioners, or either of them, the governor shall have power to appoint other persons to fill such vacancies.

CHAPTER FIFTY.

PUBLIC DOCUMENTS.

SECTION.

3600. Public documents of Federal government, how and by whom distributed.

3601. Secretary of state to furnish documents to New York Historical Society.

SECTION.

3602. Library of documents established.

3603. Acts of general assembly to be furnished the different departments of the Federal government.

Sec. 3600. Public documents of federal government, how and by whom distributed. R. C., c. 91, s. 1. 1828, c. 1, s. 1.

The laws of congress, and all the other public printed documents transmitted to this state by the general government, shall be distributed by the secretary of state in the following manner, to-wit: two copies to each of the counties, which shall be deposited in the office of the clerk of the superior court in each county for the use of

the courts; one copy to every justice of the supreme court, and judge of the superior court; one to the attorney-general; one to each solicitor; one in each of the offices of governor, secretary of state, treasurer and auditor; three copies in the library of the university, and three copies to be retained in the state library, for the use of the members of the assembly and other public functionaries.

Sec. 3601. Secretary of state to furnish documents to New York Historical Society. R. C., c. 91, s. 2. 1842, resolution.

The secretary of state shall furnish to the agent or order of the New York Historical Society one bound set of all official documents, including the decisions of the supreme court and the laws and journals of the general assembly of the state, which may be published under the laws, or by order of the general assembly.

Sec. 3602. Library of documents established. R. C., c. 91, s. 3. 1854, c. 24.

The principal clerks of each house of the general assembly shall collect such printed documents as have been, or shall be ordered to be printed by the general assembly, to the number of three copies of each document for each house, and cause the same to be bound in convenient form, and keep them on shelves which they shall cause to be erected in their offices, for the use of the members of their several houses.

Sec. 3603. Acts of general assembly to be furnished the different departments of the federal government. Res. Feb. 2d, 1857, p. 75.

The governor shall supply the different departments of the general government with copies of the acts, both public and private, of the general assembly.

CHAPTER FIFTY-ONE.

PUBLIC LIBRARIES.

SECTION.	SECTION.
3604. Librarian biennially appointed by trustees of public libraries; salary.	umes printed under the preceding section.
3605. Hours of public library; libraries of senate and house of representatives.	3612. Governor, superintendent of public instruction and secretary of state made trustees of public libraries, state papers, &c.; two may constitute a quorum.
3606. Justices of supreme court appointed trustees of the supreme court library; to appoint, remove and fix compensation of librarian.	3613. License tax to be applied to library of supreme court.
3607. Claims to be audited.	3614. Governor to designate documents to be preserved and bound; what books to be bound and labeled.
3608. Five hundred dollars yearly appropriated for increase of public library.	3615. Penalty for injuring books.
3609. Trustees of public library authorized to publish records, &c., belonging to state, and bearing date prior to the year one thousand seven hundred and eighty-one; proviso; printing and binding to be done by public printer and binder at rates fixed by law; how paid.	3616. State librarian to be librarian of senate and house of representatives.
3610. Colonial records missing from archives of state to be procured and published.	3617. Records, documents, &c., where to be kept.
3611. Trustees authorized to sell vol-	3618. Librarian to furnish library with documents, &c.
	3619. Secretary of state to furnish copies of future supreme court reports and acts of assembly to colleges, &c., having libraries of not less than five thousand volumes.

Sec. 3604. Librarian biennially appointed by trustees of public libraries; salary. 1870-'1, c. 70, s. 1. 1883, c. 216, s. 1.

A librarian shall be biennially appointed by the trustees of the public libraries, at a salary not exceeding seven hundred and fifty dollars a year; who shall give bond with security in such sum as the said trustees may determine, payable to the state of North Carolina, conditioned for the safe-keeping of the books, and the faithful discharge of his duties, and he shall hold his place until his successor shall be appointed and qualified.

People v. McKee, 68—429; People v. Bledsoe, 68—457; People v. McGowan, 68—520.

Sec. 3605. Hours of public library, libraries of senate and house of representatives. 1870-'1, c. 70, s. 2. 1881, c. 352.

The library shall be kept open during such hours as the trustees may prescribe; and the librarian shall also keep the libraries of the senate and house of representatives locked, except during the session of the general assembly.

Sec. 3606. Justices of supreme court appointed the trustees of the supreme court library; to appoint, remove and fix compensation of librarian. 1883, c. 100, ss. 1, 2.

The justices of the supreme court and their respective successors in office, are appointed trustees of the supreme court library, and all moneys appropriated for its increase shall be paid out under their direction and supervision. The justices aforesaid shall have charge of the court library and may, in their discretion, employ a librarian, who shall perform his duties under such rules and regulations, and shall receive such compensation as may be prescribed by such trustees, not exceeding the sum of three hundred dollars per annum.

Sec. 3607. Claims to be audited. 1883, c. 100, s. 3.

All claims for such service shall be audited and approved by the auditor, and the same shall be paid by the treasurer of the state upon the warrant of the auditor.

Sec. 3608. Five hundred dollars yearly appropriated for increase of public library. R. C., c. 92, s. 1. 1840, c. 46.

The sum of five hundred dollars is annually appropriated for the increase of the public library.

Sec. 3609. Trustees of public library authorized to publish records, &c., belonging to state, and bearing date prior to the year one thousand seven hundred and eighty-one, proviso; printing and binding to be done by public printer and binder at rates fixed by law; how paid. 1881, c. 88, s. 1.

The trustees of the public library are hereby authorized to publish such number of volumes of suitable size, of the records, papers, documents and manuscripts as they may deem proper, bearing date prior to the year

one thousand seven hundred and eighty-one, belonging to the state of North Carolina: *Provided*, that the printing and binding shall be done by the public printer and binder at the rates fixed by law, and paid for out of the fund appropriated in the preceding section for the increase of the public libraries of the state.

Sec. 3610. Colonial records missing from archives of state to be procured and published. 1883, pub. res., p. 619.

The trustees of the public libraries are authorized and directed to procure such of the colonial records of this state as may be missing from the archives of the state, and to publish them with the records heretofore authorized to be published. And in case the library fund shall prove to be insufficient to meet the expenses incurred in carrying out this resolution, the auditor is directed to draw his warrant for such sums as the trustees aforesaid shall certify to him to be needed to complete said work.

Sec. 3611. Trustees authorized to sell volumes printed under the preceding section. 1881, c. 88, s. 2.

The said trustees shall have authority to sell, on such terms as they may deem proper, any volume printed under the preceding section that may not be reserved for the use of the said public libraries.

Sec. 3612. Governor, superintendent of public instruction and secretary of state made trustees for public libraries, state papers, &c.; two may constitute a quorum. 1871-'2, c. 169, s. 3.

The governor, superintendent of public instruction and secretary of state, and their respective successors in office, are appointed trustees of the public libraries, documents and all books, papers and manuscripts belonging to the state of North Carolina; and under their direction all moneys appropriated shall be expended, whether to the increase of the library or other purposes, except the salary of the librarian. And the board of trustees shall make rules and regulations by which the librarian shall be governed for the protection and preservation of the books and library.

Sec. 3613. License tax to be applied to library of supreme court. Res. 1872-'3.

The clerk of the supreme court, under the direction of the justices of said court, is authorized, empowered and directed to expend annually the amount paid in by appli-

cants for license to practice law, who are examined by the court, in the purchase of such law books as may be necessary to keep the supreme court library well appointed, and no other appropriation shall be allowed for that purpose.

Sec. 3614. Governor to designate documents to be preserved and bound; what books to be bound and labeled.

R. C., c. 92, s. 4. 1840, c. 46, s. 6. 1842, c. 68, s. 3.

The governor shall designate such portions of the documents, journals and acts of the congress of the United States, as he may deem proper to be preserved in the library; may designate which of them are to be bound, of such pamphlets, acts and journals of the general assembly, works of periodical literature, laws of other states and documents of the general assembly that may be added to the library; and the librarian shall have them bound. And all the books belonging to the library, or which may be added thereto, shall be labeled in gilt letters with the words "State Library;" and the governor may draw upon the treasurer for such sums as may be necessary to defray the expenses thereof.

Sec. 3615. Penalty for injuring books. R. C., c. 92, s. 5. 1842, c. 68, s. 1.

Any person who shall damage, deface, or mutilate any book which he may be allowed to withdraw from the library, or who shall return any book so damaged, defaced, or mutilated while in his possession, shall forfeit and pay the full amount of the damage; which amount shall be determined by the librarian, but in no case to exceed double the value of the book; and the fines and forfeitures accruing under this section shall be sued for and recovered by the librarian in the name of the state, before any justice of the peace; and the fines and forfeitures recovered shall be added to the fund for the increase of the library.

Sec. 3616. State librarian to be librarian of senate and house of representatives. 1858-'9, c. 41, s. 1.

The state librarian shall be the librarian of the senate and house of representatives, and he shall collect and arrange in the archives of the senate and house of representatives all the records and papers belonging thereto, wherever they may be found. He shall also collect and have bound, or otherwise suitably preserved for the library of the senate and house of representatives, such

acts of our general assembly, reports and documents to the number of three copies each, at least, together with such reports and documents as are or may hereafter be printed by the several internal improvement companies, and other companies or associations within the state; and also such reports, documents and papers as have been printed by the federal government and the states and territories of the Union, as may be proper to place therein, and which have not been obtained, under the act of the year one thousand eight hundred and fifty-four, establishing a library of documents.

Sec. 3617. Records, documents, &c., where to be kept. 1858-'9, c. 41, s. 2.

For the better preservation of the records, documents and other papers by this chapter authorized to be collected, the state librarian shall cause to be erected in the offices of the clerk of the senate and the house of representatives and in the ante and committee rooms adjoining the chambers of the senate and house of representatives, such cases and shelves as will protect the same, and procure such furniture therefor as is necessary for the accommodation of persons using said libraries.

Sec. 3618. Librarian to furnish library with documents, &c. 1858-'9, c. 41, s. 3.

The state librarian is hereby directed to furnish the libraries of the senate and house of representatives and of the university with such documents, reports and other publications as are required by this chapter to be collected for the use thereof, and which may be in the state library or in the libraries of any of the departments: *Provided*, the same can be done without diminishing the number necessary, in his opinion, or the opinion of the heads of the departments from which the same are taken, to be kept in each respectively; and the documents now required to be furnished to the libraries of the senate and house of representatives, shall be arranged and bound under the direction of the librarian thereof.

Sec. 3619. Secretary of state to furnish copies of future supreme court reports and acts of assembly to colleges, &c., having libraries of not less than five thousand volumes. 1881, c. 277.

The secretary of state, upon application made by the president of the university, or of any chartered institution of learning in the state which has a library or li-

braries of not less than five thousand volumes, shall furnish to each of said institutions, to be kept in the college library, a copy of all future supreme court reports and acts of the general assembly, and journals of both houses, whenever the same shall be ready for distribution.

CHAPTER FIFTY-TWO.

PUBLIC PRINTING.

SECTION.

3620. Contracts for public printing; rates of printing.
3621. Printer to give bond with approved security.
3622. How bills for printing to be charged and audited.
3623. No account to be audited until examined and approved by two practical printers; violation by auditor a misdemeanor.
3624. The printer to cause the binding to be done at reasonable rates.
3625. Paper to be furnished printer by secretary of state.
3626. Secretary of state to copy statutes and deliver the same to the printer.
3627. Principal clerks to hasten preparation of their journals for printer.
3628. Clerks to send journals promptly to secretary of state.
3629. Printer to call on secretary of state daily during each session of the general assembly.
3630. Printer to do his work with expedition.
3631. Public and private laws to be noted by the secretary of state,

SECTION.

- and bound in the same volume.
3632. Distribution of the laws; number of copies to be printed.
3633. How the volumes of the laws shall be bound.
3634. Secretary of state directed to have republished reports of supreme court; price of each volume; treasurer to pay cost of publication; exchange with other states; printing by special contract.
3635. Distribution of the supreme court reports; price fixed at two dollars a volume.
3636. Printing and distribution of the senate and house journals.
3637. Printing and distribution of public documents.
3638. Printing and binding to be done speedily.
3639. Printer to deliver public laws and documents to secretary of state within ninety days after adjournment of legislature.
3640. Secretary of state to transmit copies of the laws and reports to judges, clerks and solicitors.
3641. Secretary of state to distribute

SECTION.

- the other laws, reports and documents as soon as received by him.
3642. Secretary of state may sell the residue of the laws and public documents.
3643. Secretary of state to sell supernumerary volumes annually.

SECTION.

3644. Bills and other documents of general assembly, in what manner printed.
3645. Secretary of state to keep a record of the names of all justices of the peace.
3646. Blank-books and forms to be printed for state officers.

Sec. 3620. Contract for public printing; rates of printing. 1870-'1, c. 3. 1871-'2, c. 180, s. 1. 1872-'3, c. 8. 1879, c. 5, s. 1.

The joint committee on printing are directed and instructed, on the part of the state, to make, execute and deliver a contract for the public printing at the following rates: For every one thousand ems of plain work, forty cents; for every one thousand ems of rule and figure work, eighty cents. For every token of two hundred and forty impressions, twenty-five cents, and for all other work ordered by the state, except binding, the usual customary rates charged by printers for such work, to be approved by the auditing committee herein provided for.

Brown v. Turner, 70—93.

Sec. 3621. Printer to give bond with approved security. 1871-'2, c. 182, s. 2.

The party to whom said committee may award the public printing shall give bond with approved security, payable to the state of North Carolina, in the sum of five thousand dollars, conditioned for the faithful performance of his duties and undertakings under the contract and under this chapter. The surety or the sureties herein required shall justify before some person authorized to administer oaths.

Sec. 3622. How bills for printing to be charged and audited. 1871-'2, c. 180, s. 3. 1879, c. 5, s. 38.

Each bill against the state for printing shall be charged by the "quad em" and token, and shall be approved by two practical printers of integrity, entirely disinterested in the matter, who shall be selected, one by the auditor and the other by the public printer. Said practical printers so chosen, before entering upon any examination by this section required, shall qualify before some magis-

trate to impartially examine said printing and determine both the manner of its execution and the correctness of the account rendered for the same; but neither the two practical printers as aforesaid, nor the state auditor shall approve the accounts of the public printer oftener than twenty-four times in any one year; for each of which auditings the said practical printers shall severally receive the sum of two dollars.

Sec. 3623. No account to be audited until examined and approved by two practical printers; violation by auditor a misdemeanor. 1871-'2, c. 180, s. 4.

No account rendered for public printing under the contract herein directed to be made, shall be audited until the work charged for shall have been examined and the account shall have been approved by two practical printers, as provided in the preceding section, who shall certify that the workmanship of said printing is properly executed, and the accounts for the same are just and accurate. Any violation of this section shall be a misdemeanor, and the auditor on conviction shall be fined and imprisoned at the discretion of the court.

Sec. 3624. The printer to cause the binding to be done at reasonable rates. 1871-'2, c. 180, s. 5. 1879, c. 5, s. 3.

The party contracting to do the public printing shall also agree to cause all necessary binding for the state, to be done at the following rates: for full sheep binding, sixty cents per volume; and for half-binding, twenty cents per volume. But accounts for binding must be approved by the auditor, who may in his discretion call on two disinterested printers or binders to examine the work, and, under oath, certify to the fairness and accuracy of the accounts.

Sec. 3625. Paper to be furnished printer by secretary of state. 1871-'2, c. 180, s. 7.

It shall be the duty of the secretary of state to furnish the public printer, on his requisition and receipt for the same, such printing paper as may be necessary in executing the public printing.

Sec. 3626. Secretary of state to copy statutes and deliver the same to the printer. 1872-'3, c. 45, s. 1. 1870-'1, c. 65, s. 105.

It shall be the duty of the secretary of state, imme-

diately upon the receipt of any ratified act or resolution, to copy or cause the same to be copied forthwith, and affix thereto the usual marginal notes, to the end that the copy may be held in readiness for the public printer and that the same may be bound for distribution as the law requires.

Sec. 3627. Principal clerks to hasten preparation of their journals for printer. 1872-'3, c. 45, s. 2.

It shall be the duty of the principal clerks of the two houses of the general assembly to hasten the preparation of their journals for the public printer, so that in no case at any time shall the journal of either house of any one day's proceedings remain unprepared for the printer by the clerk for a longer period than six days after its approval.

Sec. 3628. Clerks to send journals promptly to secretary of state. 1872-'3, c. 45, s. 3.

The clerks aforesaid shall, immediately after the preparation aforesaid of any and every day's proceedings of their respective houses, send the same to the office of the secretary of state.

Sec. 3629. Printer to call on secretary of state daily during each session of the general assembly. 1872-'3, c. 45, s. 4.

It shall be the duty of the printer aforesaid, in person or by agent, to call on the secretary of state or his chief clerk at the office of said secretary daily, within office hours, during each and every session of the general assembly, and apply for certified copies of the acts and resolutions of said assembly, and for such proceedings of the two houses as have been filed by the clerks aforesaid in the office of said secretary. And these applications shall be continued daily by the public printer until all of the acts, resolutions and proceedings aforesaid of the session have been received by him.

Sec. 3630. Printer to do his work with expedition. 1872-'3, c. 45, s. 5.

It shall further be the duty of the public printer at all times, immediately upon receiving from the secretary of state a sufficient quantity of the acts, resolutions or proceedings aforesaid in manuscript to make sixteen pages of printed matter, to cause the same to be printed forthwith in such numbers as are prescribed in this chapter, and at once send them to the binder.

Sec. 3631. Public and private laws to be noted by the secretary of state, and bound in the same volume. 1872-'3, c. 45, ss. 6, 7.

The secretary of state shall determine which are public and which are private laws and resolutions, and it shall be his duty at the time of making marginal notes aforesaid to mark on the upper right hand corner of each act and resolution the word "public" or "private," and bills thus marked shall not be mixed by the printer in making up a form. The public and private laws shall be bound in the same volume.

Sec. 3632. Distribution of the laws; number of copies to be printed. R. C., c. 93, s. 8. 1870-'1, c. 111, s. 2. 1872-'3, c. 45, ss. 7, 8. 1879, c. 271, s. 1. 1881, c. 107, s. 1.

Of the public and private laws there shall be printed six thousand five hundred copies, to be distributed as follows: To the governor, lieutenant-governor, treasurer, secretary of state, auditor, superintendent of public instruction, attorney-general, superintendent of the insane asylum, of the deaf and dumb and the blind asylum, of the penitentiary, justices of the supreme court, judges of the superior and criminal courts, the judges of the United States courts, the several solicitors and district attorneys, the clerks of the superior, criminal, inferior and federal courts, the sheriffs of the several counties, the several justices of the peace, registers of deeds, members and clerks of the general assembly, and county commissioners, one copy each; to the state library, ten copies; to the senate library, twenty copies; to the house library, twenty copies; to the library of the university, three copies; to the supreme court library, five copies; to the library of the supreme court of the United States, one copy; to the several states and territories in the Union, including the District of Columbia, one copy each, and two copies to be deposited in the office of each department of the state government.

Sec. 3633. How the volumes of the laws shall be bound. 1872-'3, c. 45, s. 9. 1879, c. 271.

Of the volumes to be printed under the preceding section, fifteen hundred shall be bound in full sheep and five thousand in half sheep. The latter shall be for distribution among justices of the peace and county commissioners.

Sec. 3634. Secretary of state directed to have republished reports of supreme court; price of each volume; treasurer to pay cost of publication; exchange with other states; printing by special contract. 1883, c. 373.

The secretary of state is directed to have the reports of the supreme court republished and numbered consecutively, retaining the present numbers and names of reporters. In case he can purchase printed or bound copies of any such reports at less than it would cost to have them republished, he is authorized to make such purchase. The secretary of state shall sell said reports at a price sufficient to cover the cost of publication, not less than fifty per cent. more than the cost of publication, but not to exceed three dollars a volume, and shall supply the library of the supreme court with such numbers as the justices of said court shall certify are required. The treasurer is authorized to pay the costs of such publication out of any money in the treasury not otherwise appropriated, and not required for the expenses of the state government and penal and charitable institutions. In case there are not sufficient funds which can be used for the purpose of republishing all of said reports at one time, the secretary is authorized to use his discretion in having such of said reports republished as cannot be obtained at a cost of three dollars per volume, and most likely to command a ready sale and repay the costs of publication, and from time to time have other of such reports republished as funds can be obtained from the treasury for this purpose. The secretary of state is also authorized to exchange such reports with the governors or proper authority of other states and thus complete the number of reports of such states in the supreme court library. Before having said reports republished, the secretary of state shall contract for the sale of at least one-half the volumes he proposes to publish; and not more than fifteen numbers shall be published in any one year. The secretary of state is directed to make a special contract for the printing and binding of said reports, upon the best terms practicable, either in or out of the state.

Sec. 3635. Distribution of the supreme court reports; price fixed at two dollars per volume. 1873-'4, c. 34, s. 2. 1876-'7, c. 164, s. 2. 1881, c. 104, s. 2. 1881, c. 107.

Of the supreme court reports, there shall be printed as many copies as, in the opinion of the attorney-general and secretary of state, may be sufficient to supply the

demand, (said number not to be less than seven hundred and fifty) to be distributed by the secretary of state, and sold at the cash price of two dollars per volume, and the secretary of state shall pay to the treasurer, monthly, the moneys arising from said sales less five per cent., which he may retain for his services. The said reports shall be distributed as follows: To the governor, lieutenant governor, attorney-general, treasurer, secretary of state, auditor, superintendent of public instruction, the justices of the supreme court, judges of the superior and criminal courts, the judges of the federal courts residing in the state, the clerks of the supreme, superior and criminal courts, and of the United States courts for North Carolina, one copy each; to the supreme court library, five copies; to the state library, ten copies; to the library of the supreme court of the United States, one copy; to the library of the university, three copies; to each state and territory in the Union, including the District of Columbia, one copy.

Sec. 3636. Printing and distribution of the senate and house journals. 1872-'3, c. 45, s. 10. 1881, c. 16.

Of the senate and house journals, of each of these there shall be printed four hundred and fifty copies, bound in full sheep, to be distributed as follows: one each to the governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public instruction, each senator, representative, principal, assistant, engrossing and enrolling clerks; to the state library, twenty copies; to the senate library, ten copies; to the house library, twelve copies; to the library of the university, three copies.

Sec. 3637. Printing and distribution of public documents. 1872-'3, c. 45, s. 11. 1881, c. 16.

Of the public documents there shall be printed of each, six hundred and eighty-five copies, seventy of which, stitched when necessary, shall be delivered to the secretary of the senate, as soon as printed, for the use of the senate, and one hundred and fifty to the clerk of the house, for the use of the house, and the residue of said copies, three hundred and sixty-five, shall be bound in volumes in full sheep and distributed as follows: to the governor, lieutenant-governor, treasurer, attorney-general, secretary of state, auditor, superintendent of public instruction, of the insane asylum, of the deaf and dumb asylum, of the penitentiary, and each clerk of the superior

court, and to each representative and senator, and each judge of the supreme and superior courts, one copy each; to the state library, ten copies; to the senate library, ten copies; to the house library, twelve copies; to the supreme court library, five copies; to the library of the university, three copies.

Sec. 3638. Printing and binding to be done speedily. 1872-'3, c. 45, s. 12.

It shall be the duty of the public printer to have the laws, documents and journals printed and bound with the utmost expedition, giving precedence to the laws, as far as may be, delivering to the secretary of state each day such copies as the binders may have finished.

Sec. 3639. Printer to deliver public laws and documents to secretary of state within ninety days after adjournment of legislature. 1872-'3, c. 45, s. 13. 1874-'5, c. 232.

It shall further be the duty of the printer aforesaid to have all the copies of the laws, documents and journals printed and bound (which are to be bound under this chapter) and delivered to the secretary of state within ninety days after the final adjournment of any session of the general assembly, and for failure to do so the auditor of the state shall deduct from the account of said printer the sum of fifty dollars for each and every day's delay.

Sec. 3640. Secretary of state to transmit copies of the laws and reports to judges, clerks and solicitors. 1872-'3, c. 45, s. 14.

The secretary of state, immediately upon the receipt of the first bound copies of the laws and reports, shall transmit the same by mail, at once, one each to the justices of the supreme court, and the judges, solicitors and clerks of the superior court.

Sec. 3641. Secretary of state to distribute the other laws, reports, and documents, as soon as received by him. 1872-'3, c. 45, s. 15.

The residue of the laws, reports, documents and journals, as soon as they are delivered to the secretary of state, shall be transmitted and distributed by him according to this chapter, by express or otherwise, as he may deem best.

Sec. 3642. Secretary of state may sell the residue of the laws and public documents. 1872-'3, c. 45, s. 16. 1881, c. 104, s. 1.

Of such laws, journals and documents, as may be printed under the provisions of this chapter in excess of the number ordered for distribution, the secretary of state may sell at such price as he may deem reasonable, not exceeding the sum of one dollar and fifty cents for full bound copies of the public laws; and he shall pay the proceeds into the treasury, and in his annual report give an account of number sold and number on hand.

Sec. 3643. Secretary of state to sell supernumerary volumes annually. 1872-'3, c. 45, s. 17.

Annually, during the first week in July in each and every year, after advertisement in one or two newspapers for one month, the secretary of state may sell at public auction such volumes of the laws, documents and journals and other matter and worthless manuscript, as may have been on hand for one year; report to be made and sales accounted for as other sales in the preceding section.

Sec. 3644. Bills and other documents of general assembly, in what manner printed. R. C., c. 93, s. 3.

The bills and all other documents ordered to be printed by either branch of the general assembly shall be printed in octavo form without a title page. But the first page shall be printed as follows: at the head of the page there shall be four rules, one double, two single, and one parallel, extending across the page. Between said rules shall be printed, first, the name of the house where the bill originated, with the year and date of the session, the name of the introducer, and the name of the printer; after leaving a space the width of two line pica, a synopsis, or caption of the bill, or report of the committee, or whatever it may be, shall be set up with pica capitals. After such heading, the said document to follow immediately, commencing with a paragraph, allowing a space the width of small pica between the heading and commencement of the same.

Sec. 3645. Secretary to keep a record of the names of all justices of the peace. R. C., c. 93, s. 9. 1836, c. 38, s. 11.

The secretary of state shall record in a book kept for that purpose, the names of all the justices of the peace for the several counties of the state; and whenever a va-

cancy occurs it shall be entered therein, and the clerks of the superior court shall, on the third Monday of November, one thousand eight hundred and eighty-four, and every two years thereafter, furnish the secretary of state with a correct list of all the justices of the peace of their several counties, and by this list shall the public laws and journals be distributed.

Sec. 3646. Blank-books and forms to be printed for state officers. R. C., c. 93, s. 10. 1873-'4, c. 174.

The governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general and adjutant-general, may have printed and prepared for their several offices such blank-books, blank forms and other necessary printing as may be suitable and proper to enable them to discharge their official duties; they shall also be allowed all necessary postage and express charges; and the auditor and treasurer shall each have one hundred copies of their respective reports printed for the use of their offices. The printing herein authorized shall be done by the public printer according to the rates prescribed by law; and charges for all other items shall be approved by the board composed of the governor, secretary of state, auditor, treasurer and superintendent of public instruction.

CHAPTER FIFTY-THREE.

REGISTER OF DEEDS.

SECTION.

3647. When and before whom to qualify.
 3648. Bond to be given.
 3649. Vacancy to be filled by county commissioners.
 3650. Office, where kept.
 3651. Times of attendance may be fixed.
 3652. Clerk to hand over deeds and pay fees.
 3653. Penalty on clerk for failure.
 3654. Within what time to register.
 3655. Omitted duties, how to be supplied.
 3656. Clerk of board of commissioners.

SECTION.

3657. Register of deeds to send notices by mail; actual expenses of mailing to be paid; not to apply to counties where mail facilities are insufficient.
 3658. Tax list.
 3659. Penalty for neglect of duty.
 3660. Penalty on register for failure.
 3661. Alphabetical files of original deeds.
 3662. Books transcribed and indexed.
 3663. General index.
 3664. Registers to keep indexes.

Sec. 3647. When and before whom to qualify. 1868, c. 35, s. 2. 1876-'7, c. 276, s. 5.

The register of deeds shall take the oath of office on the first Monday of December next after his election, before the board of county commissioners.

Sec. 3648. Bond to be given. 1868, c. 35, s. 3. 1876-'7, c. 276, s. 5.

He shall give bond with sufficient surety, to be approved by the board of county commissioners, in the penalty of five thousand dollars, payable to the state, and conditioned for the safe keeping of the books and records, and for the faithful discharge of the duties of his office, and shall renew his bond annually on the first Monday in December.

Crumpler v. Governor, 1 Dev., 52; *State v. Long*, 8 Ired., 415; *Eaton v. Kelly*, 72—110; *Moretez v. Ray*, 75—170; *Holt v. McLean*, 75—347.

Sec. 3649. Vacancy to be filled by board of county commissioners. 1868, c. 35, s. 4.

When a vacancy occurs from any cause in the office of register of deeds, the board of county commissioners shall fill such vacancy by the appointment of a successor for the unexpired term, who shall qualify and give bond as prescribed in the preceding section.

Hedrick v. Gobble, 63—48.

Sec. 3650. Office, where kept. 1868, c. 35, s. 5.

The register shall keep his office at the court house unless the board of county commissioners shall deem it impracticable.

Sec. 3651. Times of attendance may be fixed. 1868, c. 35, s. 6.

The board of county commissioners may fix by order, to be entered on their records, what days of each week, and at what hours of each day, the register of deeds shall attend at his office in person or by deputy, and he shall give his attendance accordingly.

Sec. 3652. Clerk to hand over deeds and pay fees. 1868, c. 35, s. 7.

The register of deeds shall at least once a week apply to the clerk of the superior court of his county for all instruments of writing admitted to probate and then remaining in the office of such clerk for registration, and also for all fees for registration due thereon; which fees the clerk of the superior court shall receive for the register.

Sec. 3653. Penalty on clerk for failure. 1868, c. 35, s. 8.

In case the clerk fail to deliver such instruments of writing, and pay over such fees as are prescribed in the preceding section, on application of the register, the clerk shall forfeit and pay to the register one hundred dollars for every such failure; for which sum judgment may be entered at any time by the judge of the superior court, on motion in behalf of the register, on a notice of ten days thereof to the clerk.

Sec. 3654. Within what time to register. R. C., c. 37, s. 23. 1868, c. 35, s. 9.

The register of deeds shall register all instruments in writing delivered to him for registration within twenty days after such delivery, except mortgages and deeds in trust, or other instruments made to secure the payment of money, which he shall register forthwith after delivery to him. He shall indorse on each deed in trust and mortgage, the day on which it is presented to him for registration, and such indorsement shall be entered on his books and form a part of the registration, and he shall register such deeds in trust and mortgages in the order of time in which they are presented to him.

Metts v. Bright, 4 D. & B., 173; Moore v. Ragland, 74—343.

Sec. 3655. Omitted duties, how to be supplied. 1868, c. 35, s. 14.

Whenever, upon the termination for any cause of the term of office of the register of deeds, it appears that he has failed to perform any of the duties of his office, the board of commissioners shall cause the same to be performed by another person or the successor of any such defaulting register. Such person or successor shall receive for his compensation the fees allowed for such services, and if any portion of the compensation has been paid by the county to such defaulting register, the same may be recovered by the board of county commissioners, by suit on his official bond.

Sec. 3656. Clerk of the board of commissioners. 1868, c. 35, s. 15.

The register of deeds is *ex officio* clerk of the board of county commissioners, and as such shall perform the duties imposed by law or by order of the said board.

Sec. 3657. Register of deeds to send notices by mail; actual expenses of mailing to be paid; not to apply to counties where mail facilities are insufficient. 1879, c. 328, ss. 1, 3.

The register of deeds shall serve by mail all notices issued by the board of county commissioners to justices of the peace, road overseers and school committeemen, in lieu of the service by the sheriff, and shall receive as his compensation his actual expenses for mailing and nothing more: *Provided*, that this section shall not apply to any county where the mail facilities are insufficient.

Sec. 3658. Tax list. 1868, c. 35, s. 16.

The register shall make out the tax lists as directed by law, under the supervision of the board of county commissioners.

Sec. 3659. Penalty for neglect of duty. 1868, c. 35, s. 18.

If any register of deeds fails to perform any of the duties imposed or authorized by this chapter, he shall be guilty of a misdemeanor, and besides other punishments at the discretion of the court, he shall be removed from office.

Holt v. McLean, 75—347; State v. Snuggs, 85—541.

Sec. 3660. Penalty on register for failure. 1868, c. 35, s. 10.

In case of his failure to register any deed or other instrument within the time and in the manner required by the preceding section, the register shall be liable in an action to the party injured by such delay on his official bond.

Sec. 3661. Alphabetical files of original deeds. 1868, c. 35, s. 11.

The register shall keep in files alphabetically labeled, all original instruments delivered to him for registration, and on application for such originals by any person entitled to their custody, he shall deliver the same.

Sec. 3662. Books transcribed and indexed. 1868, c. 35, s. 12.

The board of county commissioners, when they deem it necessary, may direct the register of deeds to transcribe and index such of the books in the register's office as from decay or other cause may require to be transcribed and indexed. They may allow him such compensation at the expense of the county for this work as they think just. The books when so transcribed and ap-

proved by the board shall be public records as the original books, and copies therefrom may be certified accordingly.

Sec. 3663. General index. 1868, c. 35, s. 13.

The board of county commissioners, at the expense of the county, shall cause to be made and consolidated into one book, a general index of all the deeds and other documents in the register's office, and the register shall afterwards keep up such index without any additional compensation.

Sec. 3664. Registers to keep indexes. 1876-'7, c. 93, s. 1.

The register of deeds shall provide and keep in his office full and complete alphabetical indexes of the names of the parties to all liens, grants, deeds, mortgages, bonds and other instruments of writing required to be registered; said indexes to be kept in well-bound books, and shall state in full the names of all the parties, whether grantors, grantees, vendors, vendees, obligors or obligees, and shall be indexed and cross-indexed, so as to show the name of each party under the appropriate letter of the alphabet; and reference shall be made opposite each name to the page, title or number of the book in which is registered any such lien, deed, bond, conveyance or other instrument.

CHAPTER FIFTY-FOUR.

RELIGIOUS SOCIETIES.

SECTION.

- 3665. Donations to religious societies to vest in them or their trustees.
- 3666. Houses of worship on vacant lands to belong to the society, &c.
- 3667. Societies may appoint trustees to hold their property; yearly value of lands, a church or society may hold.
- 3668. Trustees may be removed, &c.; to be accountable.
- 3669. Penalty for stopping way to

SECTION.

- places of worship, springs, &c.
- 3670. Stud-horses, curiosities, &c., not to be exhibited in half a mile of congregation; exception as to towns, &c.
- 3671. Sale of liquor and goods within a mile forbidden; exception; penalty.
- 3672. Penalties for intoxication or disorder during worship.
- 3673. Penalty under this chapter to be for the poor.

Sec. 3665. Donations to religious societies to vest in them or their trustees. R. C., c. 97, s. 1. 1776, c. 107. 1796, c. 457, s. 4.

All glebes, lands and tenements, heretofore purchased, given, or devised for the support of any particular ministry, or mode of worship; and all churches and other houses built for the purpose of public worship; and all lands and donations of any kind of property or estate that have been or may be given, granted or devised to any church or religious denomination, religious society or congregation within the state for their respective use, shall be and remain forever to the use and occupancy of that church or denomination, society or congregation, for which the said glebes, lands, tenements, property and estate were so purchased, given, granted or devised, or for which the said churches, chapels or other houses of public worship were built; and the estate therein shall be deemed and held to be absolutely vested, as between the parties thereto, in the trustees respectively of the said churches, denominations, societies and congregations, for their several use, according to the intent expressed in the conveyance, gift, grant or will; and in case there shall be no trustees, then in the said churches, denominations, societies and congregations, respectively, according to such intent.

McKeithan v. Ray, 71—166; Lord v. Hardie, 82—241.

Sec. 3666. Houses of worship on vacant lands to belong to society erecting them. R. C., c. 97, s. 2. 1778, c. 132, s. 6.

All houses and edifices, erected for public religious worship on vacant lands, or on lands of the state not for other purposes intended or appropriated, together with two acres adjoining the same, shall hereafter be held and kept sacred for divine worship, to and for the use of the society by which the same was originally established.

Sec. 3667. Religious societies may appoint trustees to hold their property; yearly value of lands, a church or society may hold. R. C., c. 97, s. 3. 1796, c. 457, s. 1. 1844, c. 47. 1848, c. 76.

The conference, synod, convention or other ecclesiastical body, representing any church or religious denomination within the state, as also the religious societies and congregations within the state, may from time to time and at any time, appoint in such manner as such body,

society or congregation may deem proper, a suitable number of persons as trustees for such church, denomination, religious society, or congregation, who and their successors shall have power to receive donations, and to purchase, take and hold property, real and personal, in trust for such church or denomination, religious society or congregation: *Provided*, that besides such lands and lots as may be specially set apart and appropriated to divine worship, no church or denomination by virtue of this chapter shall have to their own use lands of a greater yearly value than six thousand dollars; and no single congregation or society, lands of a greater yearly value than four hundred dollars; and said lands shall be subject to taxation.

Trustees v. Dickenson, 1 Dev., 189; McAuley v. Wilson, 1 Dev. Eq., 276; White v. White, 1 D. & B., 260; Holland v. Peck, 2 Ired. Eq., 255; White v. University, 4 Ired. Eq., 19; Bridges v. Pleasants, 4 Ired. Eq., 26; Walker v. Fawcett, 7 Ired., 44; Lord v. Hardie, 82—241.

Sec. 3668. Trustees may be removed, &c.; to be accountable. R. C., c. 97, s. 4. 1796, c. 457, ss. 2, 3. 1844, c. 47.

The body appointing may remove such trustees or any of them, and fill all vacancies caused by death or otherwise; and the said trustees and their successors may sue and be sued in all proper actions, for or on account of the donations and property so held or claimed by them, and for and on account of any matter relating thereto. And they shall be accountable to the said churches, denominations, societies and congregations for the use and management of said property, and shall surrender it to any person authorized to demand it.

Perry v. Tupper, 74—722; Lord v. Hardie, 82—241.

Sec. 3669. Penalty for stopping way to places of worship, springs, &c. R. C., c. 97, s. 5. 1785, c. 241.

If any person shall maliciously stop up or obstruct the way leading to any place of public worship, or to any spring or well commonly used by the congregation, he shall, for every such offence, forfeit and pay twenty dollars.

Sec. 3670. Stud-horses, jacks, curiosities not to be exhibited within half a mile of congregation; exception as to towns, &c. R. C., c. 97, s. 6. 1809, c. 779, s. 1.

If any person shall bring within half a mile of any

place where the people are assembled for divine worship, and stop for exhibition any stud-horse or jack, or shall bring within that distance any natural or artificial curiosities, and there exhibit them, he shall forfeit and pay to any one who will sue therefor, the sum of twenty dollars, and shall also be guilty of a misdemeanor: *Provided*, that nothing herein shall be construed to prohibit such exhibitions at any time, if made within the limits of any incorporated town, or without such limits, if made before the hour of ten o'clock in the forenoon, or after three o'clock in the afternoon.

State v. Muse, 4 D. & B., 319.

Sec. 3671. Sale of liquor and goods within a mile forbidden; exception; penalty. R. C., c. 34, s. 109. R. C., c. 97, s. 7. 1800, c. 564, ss. 1, 2. 1808, c. 761, s. 1. 1809, c. 779, s. 2.

No person, licensed keepers of taverns and retailers excepted, (and they only when they shall sell at their taverns or shops,) during the progress of religious exercises, at any place where divine service may then be celebrated, shall sell within one mile of such place, any spiritous liquor, or any liquor of which spiritous liquor shall be the chief ingredient. Nor shall any person, the keepers of licensed stores only excepted, during such time, and within that distance of such place, be engaged in the occupation of selling or offering to sell any article of traffic, prepared food and provender only excepted. And if any person shall offend against this or the preceding section, he shall forfeit and pay, to any one who will sue therefor, twenty dollars, and shall be guilty of a misdemeanor.

Trustees v. Dickenson, 1 Dev., 189; State v. Muse, 4 D. & B., 319; White v. University, 4 Ired. Eq., 19; Walker v. Fawcett, 7 Ired., 44; State v. Joyner, 81—534.

Sec. 3672. Penalty for intoxication or disorder during worship. R. C., c. 97, s. 8. 1807, c. 729, s. 2.

If any person shall be intoxicated, or shall quarrel, fight or be guilty of any other disorderly behavior at a church or other place appointed for divine worship, during the time the people shall be there assembled for such worship, he shall, for each offence, forfeit and pay twenty dollars.

State v. Linkhaw, 69—214; State v. Ramsay, 78—448; State v. Bryson, 82—576; State v. Midgett, 85—538.

Sec. 3673. Penalties under this chapter for the poor. R. C., c. 97, s. 9. 1800, c. 564, s. 1. 1807, c. 729, s. 2. 1807, c. 779, s. 4. 1816, c. 922.

The penalties incurred for offences created by this chapter shall be for the use of the poor of the county, if not otherwise provided; and on information thereof before any justice of the peace of the county wherein they may be committed, he shall issue a summons against the offender for the penalty incurred; and if there shall be an appeal from the judgment thereon, the case shall be prosecuted by the proper officer of the state.

**CHAPTER FIFTY-FIVE,
REVENUE AND TAXATION.**

SECTION.

- 3674. Assessment of taxes.
- 3675. Poll tax to be devoted to educational purposes and the support of the poor; may be collected by attachment; form.
- 3676. Tax on bank stock, how paid; stock of non-residents.
- 3677. Laws relating to the exemption of corporate property from taxation repealed.
- 3678. Fines and penalties to be paid by collecting officer to board of education; embezzlement by officer.
- 3679. Unlisted land; back taxes to be assessed and collected.
- 3680. Commissioners may exempt from payment of poll tax; certificate of exemption; sheriff to be credited.
- 3681. The tax list and order of collection to sheriff, same force as a judgment and execution.
- 3682. Lien of taxes on real and personal property.
- 3683. Lien on stock of bank or other

SECTION.

- corporation; stock not transferable until tax is paid.
- 3684. Bank or corporation may pay taxes due from share-holders.
- 3685. Taxes, when due and payable; sheriff to give receipt; duty of sheriffs and tax-collectors.
- 3686. How sheriff to collect taxes.
- 3687. If sheriff die, his sureties may collect taxes.
- 3688. Personal property to be first levied on and sold.
- 3689. Insolvent taxes; when allowed to sheriff on settlement.
- 3690. Assessment of real estate every four years; township assessors; their duties; may administer oaths.
- 3691. Real estate, how levied on and sold; delinquent to be notified; lands of minors and lunatics exempt from sale, but property of guardian liable; form.
- 3692. How taxes collected from property in another county.

SECTION.

3693. How real estate shall be offered for sale, and by whom purchased.
3694. When sheriff to bid in property for county; sheriff to execute deed to county; deed to be registered.
3695. Delinquent may redeem land sold for taxes within twelve months.
3696. Delinquent failing to redeem, sheriff to execute deed to purchaser.
3697. Land purchased by county; redemption; to be sold if not redeemed in one year.
3698. Tenants for life, by courtesy, dower, husband in right of wife, and guardians, executors and trustees liable to pay taxes on lands held by them.
3699. Failure of life-tenant to pay the taxes, or redeem the land

SECTION.

- sold for taxes; estate to be forfeited to remainderman; right of remainderman to redeem.
3700. Persons having liens on lands may pay the taxes; amount paid a preferred lien.
3701. Retail liquor dealers; how to obtain license.
3702. License to engage in trade or other business; how obtained: to be countersigned by register of deeds, and registered; when license expires.
3703. Register to record licenses; certified copies to be sent to auditor; penalty for non-performance of duty.
3704. Penalty for practising a trade, profession or franchise without having obtained a license.
3705. Embezzlement by officer of taxes, &c.

Sec. 3674. Assessment of taxes. 1872-'3, c. 144, s. 1.

Taxes are payable in the existing national currency, and shall be assessed and collected as prescribed by law.

Pullin v. Com'rs, 66—361; Wade v. Com'rs, 74—81; Redmond v. Com'rs, 87—122; Latta v. Williams, 87—126.

Sec. 3675. Poll tax to be devoted to educational purposes and the support of the poor; may be collected by attachment; form. 1872-'3, c. 144, s. 2. 1881, c. 116, s. 2. 1881, c. 116, s. 3.

The proceeds of the tax on polls shall 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. If any poll 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 to him before the expiration of the calendar year; and the person owing such debt, or having such property in possession, shall be liable for said tax. For

the purpose of carrying into effect this section, the following form shall be used as an attachment, to-wit:

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 poll tax for the year 18...., 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 cost of this proceeding.

.... day of, 18....

G. H.,
Sheriff, or Tax Collector.

Sec. 3676. Tax on bank stock, how paid; stock of non-residents. 1876-'7, c. 156, sub-chap. 1, s. 2.

The taxes imposed upon the shares of stock in any bank or banking association (whether state or national) shall be paid by the cashier of such bank or banking association directly to the state treasurer, within thirty days after the first day of July in each year, and charged by such bank against the individual stockholders; and the list takers and board of commissioners of the county in which such stockholder resides shall assess against his share of stock only the tax imposed by the state for school purposes and those imposed for county purposes. But the shares of stock belonging to non-residents of the state shall be assessed for taxation for support of school and county purposes in the county in which such bank is located, and shall be paid by the cashier of such bank or banking association.

Lilly v. Com'rs, 69—300; Kyle v. Com'rs, 75—445; Buie v. Com'rs, 79—267; Lemley v. Com'rs, 85—379.

Sec. 3677. Laws relating to the exemption of corporate property from taxation repealed. 1876-'7, c. 156. 1879, c. 2, s. 70.

Whenever in any law, or act of incorporation, granted either under the general law or by special act before or since the fourth of July, one thousand eight hundred and sixty-eight, there is any limitation or exemption of taxation, the same is repealed, and all the property and effects of all such corporations shall be liable to full taxation like property owned by individuals.

R. R. Co. v. Com'rs, 87—129; R. R. Co. v. Com'rs, 87—414.

Sec. 3678. Fines and penalties to be paid by collecting officers to the board of education; embezzlement by officer. 1872-'3, c. 144, sch. 6, ss. 6, 7. 1883, c. 136, s. 48.

Whenever any officer receives or collects a fine, penalty

or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials, malt or spirituous liquors, and auctioneers, 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 common schools in such county. Any officer convicted of violating this section shall be guilty of embezzlement, and may be punished not exceeding five years in the penitentiary, and fined at the discretion of the court.

Sec. 3679. Unlisted land; back taxes to be assessed and collected. 1879, c. 71, s. 22.

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 on the duplicate of the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per cent. in addition thereto, as far back as the said lands have escaped taxation. Where no assessment has been made for the years in which said property has so escaped taxation, the board shall be authorized to value and assess the same for those years.

R. R. Co. v. Com'rs, 82—259; Com'rs v. R. R. Co., 86—541.

Sec. 3680. Commissioners may exempt from payment of poll tax; certificate of exemption; sheriff to be credited. 1872-'3, c. 115, s. 20. 1879, c. 71, s. 24.

The board of commissioners shall have power to exempt any person from the payment of a poll tax on account of either poverty or infirmity, and when such persons have been once exempted they shall not be required to renew their application unless said board shall revoke the exemption. When such exemption shall have been made, the clerk of the board shall furnish the person with a certificate of such action, and upon exhibiting said certificate to the list-taker annually, the person to whom it was issued shall not be required to list his poll; but the list-taker shall enter in the column intended for the poll the word "exempt," and the poll shall not be charged in computing the list. The clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against him,

and the sheriff shall be entitled to a deduction of such taxes in any settlement he may be required to make.

Sec. 3681. The tax list and order of collection to sheriff, same force as judgment and execution. 1872-'3, c. 115, s. 21. 1876-'7, c. 155, s. 22.

The board of commissioners shall cause to be made out two copies of the tax list of each township as revised and settled by them, according to a form furnished them by the auditor. Such form shall show in different columns, the sums due by each tax-payer to the state and to the county; one of said copies shall remain in the office of the clerk of the board, 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 indorse 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 property of the persons charged in such list. In such list the clerk shall note all appeals from the judgment of the board which have been perfected by giving a bond. Said order shall be in the following or some similar form:

Huggins v. Hinson, Phil., 126; Perry v. Campbell, 63—257; State v. Lutz, 65—502; Cromartie v. Com'rs, 87—134.

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.....
....., 18..

.....
Clerk Board of Commissioners.

Sec. 3682. Lien of taxes on real and personal property. 1879, c. 71, s. 26.

The lien of the state, county and municipal taxes levied for all purposes in each year, shall attach to all real property subject to such taxes, on the first day of June annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator, for any tax due on the same by any testator or intestate.

Sec. 3683. Lien on stock of bank or other corporation; stock not transferable until tax is paid. 1879, c. 71, s. 26.

Any tax assessed on any shares of stock, or the value thereof, of any bank or banking association, or any corporation, shall be a lien on such shares from the first day of June in each year until such taxes are paid; and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received from the county treasurer, of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association or corporation, to transfer or permit to be transferred the whole or any portion of said stock until the delinquent taxes thereon, together with the costs and penalties, shall be paid in full; and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs, or any part thereof, remain due and unpaid.

Kyle v. Com'rs, 75—445; Buie v. Com'rs, 79—267.

Sec. 3684. Bank or corporation may pay taxes due from shareholders. 1879, c. 71, s. 27.

It shall be lawful for any such bank or banking association or other corporation to pay the treasurer, sheriff or tax collector of the county in which such bank or banking association or corporation may be located, the taxes that may be assessed upon its shares as aforesaid, in the hands of its shareholders respectively, and deduct the same from any dividends that may be due or may thereafter become due on any such shares, or deduct the same from any funds in its possession belonging to any shareholder as aforesaid.

Sec. 3685. Taxes, when due and payable; sheriff to give receipt; duty of sheriffs and tax collectors. 1872-'3, c. 115, s. 126. 1876-'7, c. 155, s. 27.

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 list, against the name of the party, the date of payment and the amount paid; he shall also give a receipt to the parties stating the amount of the state and county tax separately, and the date of payment, and for failure to give such receipt stating the state and county tax separately, he shall be guilty of a misdemeanor: *Provided*, the sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with the state and county for the taxes of

the previous year (if he was the sheriff or tax collector) and given the bonds required by law. Before receiving the tax list 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 receipt or give the required bonds, 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, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive the same. Said oath shall be filed with the clerk and kept in the office of the board, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.

Sec. 3686. How sheriff to collect taxes. 1872-'3, c. 115, s. 28.

Whenever the taxes shall be due and unpaid, the sheriff or tax collector shall immediately proceed to collect them as hereinafter prescribed.

Sec. 3687. If sheriff die, his sureties may collect taxes. R. C., c. 99, s. 83. 1784, c. 219, s. 8. 1791, c. 334, s. 1. 1883, c. 363, s. 12.

If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose shall have all the powers and means for collecting the same from the collectors and tax-payers as the sheriff would have had, and shall be subject to all the remedies for collection and settlement of the taxes on their bond or otherwise as might have been against the sheriff if he had lived.

Sec. 3688. Personal property to be first levied on and sold.

If the party charged have personal property of the value equal to the tax charged against him, the sheriff, or tax collector, shall seize and sell the same as he is required to sell other property under execution, and his fees for such levy or sale shall be the same as on other executions.

Sec. 3689. Insolvent taxes, when allowed to sheriff on settlement.

No insolvent's taxables shall be credited to the sheriff in the settlement with the auditor, except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts, and subscribed by the sheriff, shall be returned by the sheriff to the board, 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 tax-payers, and could not there or elsewhere in the county, find 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 and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in the board's book of records and a copy thereof shall be returned to the auditor on or before the day of the settlement of the sheriff with the treasurer.

Sec. 3690. Assessment of real estate, every four years; township assessors; their duties; may administer oaths. 1888, c. 363, s. 1.

The board of commissioners of each county, in the month of April, one thousand eight hundred and eighty-seven, and every fourth year thereafter, shall appoint one justice of the peace and two discreet freeholders in each township, who shall assess the land and real property in said township for taxation. These assessors shall ascertain the true market value of every tract or parcel of land or other real estate, with the improvements thereon, and assess the same in accordance with said valuation. The assessment, when made, shall be in force until altered. The board of assessors are authorized to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real property in their respective township, so as to secure a proper assessment of said property.

Sec. 3691. Real estate, how levied on and sold; delinquent to be notified; lands of minors and lunatics exempt from sale, but property of guardian liable; form. 1858-'9, c. 60. 1876-'7, c. 155, s. 29. 1872-'3, c. 115, s. 28.

If the party charged has not personal property to be found in the county, of sufficient value, the sheriff, or tax collector, shall levy upon the lands of the delinquent,

or any part thereof; said sheriff shall return a list of said levy to the clerk of the superior court, who shall enter the same in a book to be kept for that purpose, charging therefor ten cents for each levy. For issuing execution the clerk's fee shall be fifteen cents. The sheriff shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars on him personally. If the delinquent cannot by reasonable diligence be found in the county, but has a known agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent, and shall be mailed post-paid to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice, substantially as above described, at the court house door, and four other public places, and also in some newspaper, if there be such published in the county where the land is situate. The notice shall be served or published as aforesaid at least thirty days before the sale of the land, upon proof of the due service or publication, and mailing of the said notice, the clerk of the superior court shall thereupon issue execution in the name of the state, upon relation of the sheriff or tax collector commanding the sale of so much of the real estate of the delinquent as may be sufficient to pay the tax due and cost. The sale shall be made at the court house of the county in which the land lies, and shall be on one of the days prescribed for the sale of real estate under execution, and shall be conducted in all respects as sales under execution are; if the delinquent resides out of the county, and his address be known, the sheriff or tax collector, within one month after sale, shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and the amount of taxes and cost to be paid by him as a condition of its redemption. And it is expressly declared that the lands of a minor, lunatic, or a person *non compos mentis*, shall in no case be liable to be sold for taxes, but should any guardian, trustee, or receiver of the estate of such person not pay the taxes on the property of such person when due, the tax list in the hands of the sheriff or tax collector, charging him as guardian, trustee or receiver, shall be an execution to be satisfied out of his individual property, or out of the personal property of such ward. The following or any substantially similar form shall be sufficient for the levy:

STATE OF NORTH CAROLINA, }
 On relation of..... }
 Sheriff of.....County, }
 vs. }

Levy on lands of....., adjoining the lands of....., for default in payment of taxes.

Taylor v. Allen, 67—346; Whitehurst v. Gaskill, 69—449; Macay *ex parte*, 84—63; Hays v. Hunt, 85—303; Busbee v. Lewis, 85—332.

Sec. 3692. How taxes collected from property in another county. 1872-'3, c. 115, s. 28.

If any person liable for taxes not having property in the county where such taxes are due, shall have property in any other county or shall remove from his county after the day of listing or carrying his property therefrom, the collecting officer shall return the fact to the board of commissioners of the county, who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax list regularly indorsed for collection in any county in the state. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon, with three per cent. added, which percentage he may retain to his own use, the residue to be forwarded immediately to the officer from whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer to whom such abstract shall be forwarded, to make return of his action on the same within thirty days; and said abstract, or duly certified copy, may be sent for collection to the same or some other county until the amount due shall be collected.

Sec. 3693. How real estate shall be offered for sale, and by whom purchased. R. C., c. 99, s. 91, (4).

The whole tract or contiguous body of land belonging to a delinquent person or company shall be set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes with all the expenses for the smallest part of the land.

Taylor v. Allen, 67—346.

Sec. 3694. When sheriff to bid in property for county; sheriff to execute deed to county; deed to be registered. 1881, c. 117, s. 36.

If no one will or shall offer to pay the amount of taxes for a less number of acres than the whole number of

acres in said tract, then the sheriff shall bid off the property for the county, and upon proving the fact and tendering to the chairman of the board of commissioners a deed to the county for the property, duly proven before the clerk of the superior court of the county, shall have credit for the amount of such tax and fee paid for registration. The deed shall be deposited without delay by the said chairman with the register of deeds and recorded by him, for which he shall be allowed a fee of twenty-five cents. The property so purchased by the county shall be under the control of the board, but may be redeemed as hereinafter prescribed; and the said board shall order the sheriff to pay the state treasurer the state tax due thereon out of the county funds in his hands, and on the payment thereof the said treasurer shall issue his certificate to the said sheriff; and the said board shall cause an allowance to be made to the sheriff in his settlement with the treasurer of the county for the amount of state tax and costs.

3695. Delinquent may redeem land sold for taxes within twelve months. 1872-'3, c. 115, s. 31.

The delinquent, his agent or attorney, may retain possession of the property for twelve months after sale, and within that time redeem it by paying or tendering the purchaser the amount paid by him, and twenty-five per cent. in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse, or cannot be found in the county, the delinquent may pay the same to the clerk of the superior court for the use of the purchaser, and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent, his agent, or attorney, may cause the receipt of the purchaser or of the clerk to be registered. After the payment to the purchaser or to the clerk for his use, as aforesaid, all rights under the purchase shall cease. No sale of property by the purchaser or by the delinquent, his agent or attorney, within twelve months, shall convey to their respective vendees any other rights or estates than the parties themselves possess.

Sec. 3696. Delinquent failing to redeem, sheriff to execute deed to purchaser. 1872-'3, c. 115, s. 32.

If the delinquent, his agent or attorney, shall fail to redeem, as prescribed in the preceding section, the sheriff or tax collector shall execute a deed to the purchaser, and

if the purchaser is dead, to his heirs at law or assigns, for the quantity of land for which the said purchaser agreed to pay the amount of the taxes, with all the expenses, and for said service the sheriff or tax collector shall be entitled to two dollars, to be paid by the purchaser. The deed to the purchaser shall be registered within six months, and when so registered shall convey to the grantee all the estate in the quantity of land for which the said purchaser bid, which the delinquent, his agent or attorney, had at the time of the sale for taxes; and such deed shall, in any action at law, for the recovery of the land, be *prima facie* evidence that the sheriff or tax collector has complied with all the requirements of the law in making the sale for taxes.

Taylor v. Allen, 67—346; Whitehurst v. Gaskill, 69—449; Macay *ex parte*, 84—63; Hays v. Hunt, 85—303; Busbee v. Lewis, 85—332.

Sec. 3697. Land purchased by county; redemption; to be sold if not redeemed in one year. 1881, c. 117, s. 39.

In case the county becomes the purchaser, then, within twelve months after the sale, the delinquent may pay the county treasurer the amount due for state and county taxes, together with the cost allowed the sheriff in his settlement, with twenty-five per cent. added thereto; and upon the presentation of the said treasurer's receipt to the register of deeds, that officer shall indorse upon the deed conveying the property to the county these words:

“Taxes and cost paid, delinquent restored to his rights,”

and sign the said indorsement, and shall deliver the deed to delinquent or his agent, and he shall enter the same on the margin of that page of the county record in which is registered the deed, charging fifteen cents therefor; and such indorsement, delivery and marginal entry shall have the effect of re-investing the delinquent with all his rights in the premises. But should the said delinquent fail to redeem the said land within twelve months from the day of sale thereof, then the said board of commissioners shall order the said sheriff or tax collector, after notice given as hereinbefore prescribed, to sell the land to the highest bidder for cash and to pay the proceeds of sale, less five per cent. for his commissions, to the county treasurer, the one-half of the net proceeds thereof to be appropriated to the common school fund and the other half to the county fund. Every deed made to the county authorities for land sold for taxes shall be *prima facie*

evidence in any action for said land, that the sheriff or tax collector, in making sale of land, has complied with all the requirements of the law.

Sec. 3698. Tenants for life, by courtesy, dower, husband in right of wife, and guardians, executors and trustees liable to pay taxes on lands held by them. 1879, c. 71, s. 53.

Every person shall be liable to pay the taxes for the lands of which he may stand seized for life, by courtesy, dower, or by a husband in right of his wife, or may have the care of, as guardian, executor, or as agent, trustee, receiver or attorney, having funds of the principal in his hands.

Sec. 3699. Failure of life tenant to pay the taxes or redeem the land sold for taxes; estate to be forfeited to remainderman; right of remainderman to redeem. 1879, c. 71, s. 54.

If any person who shall be seized of lands as tenant by courtesy or dower, or who shall be seized of lands for life or in the right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of taxes, and shall not within one year after such sale redeem the same according to law, such person shall forfeit to the person or persons next in title to such lands in remainder or reversion, all the estate which he so neglecting as aforesaid, may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes within one year after such forfeiture, and moreover, the person so neglecting as aforesaid shall be liable in an action to the person next in title to the estate for all damages such person may have sustained by such neglect.

Sec. 3700. Persons having liens on land may pay the taxes; amount paid a preferred lien. 1879, c. 71, s. 55.

Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall, from the time of payment operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for money paid to his use against the person or persons legally liable for the payment of such taxes.

Sec. 3701. Retail liquor dealers; how to obtain license. 1881, c. 116, s. 26.

Every person desiring to sell spirituous or malt liquors, wines, cordials or bitters, in quantities less than a quart, shall, before engaging in said sale, file his petition, stating the place and house in which he proposes to retail, and obtain an order to the sheriff from the board of commissioners of the county to grant him a license to retail at that place, which order they shall grant to all properly qualified applicants; and if granted, he may take out license and shall pay the tax therefor in advance; and every retail dealer of malt liquors shall also pay the license tax in advance, and no license shall be issued for a shorter time than twelve months. Any grocer, druggist, dealer or other person who shall sell spirituous or malt liquors, wines or cordials, in any quantity, if the same or any portion thereof shall at any time be drunk upon the premises where such liquors, wines or cordials are sold, shall be considered a retail dealer within the meaning of this section: *Provided*, this section shall not be construed to repeal or alter the provisions of any special act prohibiting or regulating the sale of liquors in any particular locality.

Sec. 3702. License to engage in trade or other business, how obtained; to be countersigned by register of deeds and registered; when license expires. 1883, c. 136, s. 38.

Any person desiring to engage in any trade, profession or business taxed by this chapter, except such as are otherwise provided for in this chapter, shall make application to the sheriff, stating the character of the trade, profession or business, and the place at which he proposes to conduct the same. The sheriff shall grant the license, giving the person to whom it is issued the right to conduct the trade, profession or business therein specified, in that county and no other, unless the law imposing the tax shall otherwise direct, until the first day of January next ensuing. The license shall immediately be countersigned and recorded by the register of deeds, and no license shall be valid until so countersigned. All licenses so issued shall expire on the first day of January next ensuing, and be renewable within ten days thereafter.

Sec. 3703. Register to record licenses; certified copies to be sent to auditor; penalty for non-performance of duty. 1883, c. 136, s. 39.

The register of deeds shall keep a book in which he

shall record the name of the persons licensed, the trade or profession to be followed, or the franchise to be enjoyed, the date at which it begins to run and the amount of tax, and he shall annually, during the month of November, send a certified copy of such record to the auditor of the state, who shall charge the sheriff with the amount so appearing due. If any register shall fail to perform the duty imposed on him, he shall forfeit to the state a penalty of two hundred dollars, to be recovered of him and the sureties to his official bond on motion in the superior court for the county of Wake, and on such motion a certified copy of his official bond and the certificate of the auditor of the state setting forth the failure to make the required return, shall be *prima facie* evidence entitling the state to judgment in the absence of any sufficient defence.

Sec. 3704. Penalty for practicing a trade, profession or franchise, without having obtained a license. 1876-'7, c. 156, s. 31.

Every person who shall practice any trade or profession, or use any franchise, taxed by law, without having first paid the tax and obtained a license as required, shall be guilty of a misdemeanor, and shall forfeit and pay to the state a penalty not exceeding twenty dollars, at the discretion of the court, and in default of the payment of such fines, he may be imprisoned for not more than thirty days, at the discretion of the court, for every day on which he shall practice such trade or profession, or use such franchise, except in such cases where the penalty is otherwise specially provided; which penalty the sheriff shall cause to be recovered before any justice of the peace of the county.

Albertson v. Wallace, 81-479; State v. Cohen, 84-771; State v. Clarke, 85-555; Wilmington v. Macks, 86-88.

Sec. 3705. Embezzlement by officer of taxes, &c. 1883, c. 136, s. 49.

Any officer appropriating to his own use the state, county, school, city or town taxes, shall be guilty of embezzlement, and may be punished not exceeding five years in the state prison at the discretion of the court.

CHAPTER FIFTY-SIX.

RIVERS AND CREEKS.

SECTION.	SECTION.
3706. County commissioners may appoint commissioners to examine streams and make improvements.	3712. Duty of commissioners to examine streams and lay off gates, &c., in dams.
3707. Overseers to be yearly appointed by county commissioners; their duty.	3713. Report made and confirmed.
3708. County commissioners may direct flats, &c., to be procured.	3714. Gates, &c., how discontinued.
3709. Power of county commissioners of Johnston, Wayne, &c., as to Neuse river.	3715. Penalty on owner of dam for failing to make gates, &c.
3710. Streams to be laid off into districts; one-fourth to be left open for passage of fish.	3716. Authority to repair breaks.
3711. Obstructing boats by felling trees, &c., misdemeanor.	3717. Entry on another's land; proviso.
	3718. Misdemeanor; penalty.
	3719. Owners of boats authorized to construct draws in bridges; draws to be constructed and maintained by owners of boats.

Sec. 3706. County commissioners may appoint commissioners to examine streams and make improvements. R. C., c. 100, s. 1. 1784, c. 227, s. 16. 1785, c. 242, s. 1. 1796, c. 460, s. 1. 1790, c. 331, s. 2. 1868-'9, c. 20, s. 27.

Where any inland river or stream shall run through the county, or be a line of their county, the board of commissioners of the several counties may appoint commissioners to view such river or stream, and make out a scale of the expense of labor with which the opening and clearing thereof will be attended; and if the same shall be deemed within the ability of the county, and be expedient, they may appoint and authorize the commissioners to proceed in the most expeditious manner, in opening and clearing the same, by taking such hands from the public roads, as the board of county commissioners shall permit, and direct to be allotted to such work; which hands shall be placed under overseers in companies, every overseer and company to have a distinct portion of such river or stream to be laid off by the board of commissioners.

Brown v. Keener, 74—717.

Sec. 3707. Overseers appointed yearly by board of county commissioners, their duty; subject to same rules as overseers of roads. R. C., c. 100, s. 2. 1784, c. 227, s. 16. 1796, c. 460, s. 2. 1809, c. 782, s. 3. 1812, c. 845, ss. 1, 2, 3. 1813, c. 859, ss. 1, 2. 1844, c. 66.

Every overseer shall be appointed by the board of county commissioners; and the clerk shall issue a notice, expressing therein the name of the stream, the distance he is to work thereon, and the hands appointed under him, and the sheriff shall serve the same upon him, under the same rules as notices are served upon overseers of roads; and the overseer and hands, upon receiving three days' previous notice from the commissioners, shall proceed to work upon and clear out such river or stream, subject to the same rules and double the penalties imposed upon overseers and hands working upon public roads; and no overseer or hands appointed to open and clear out navigable rivers and streams shall be compelled to work on public roads. And the board of county commissioners thereafter shall annually appoint overseers, and assign such hands as they may judge proper, to work on the rivers and creeks, and keep in repair any slopes erected or to be erected; and such overseers and the hands assigned, for a failure of duty shall be subject to all the penalties imposed upon overseers of roads and the hands liable to work thereon.

Sec. 3708. Board of county commissioners may direct flats, &c., to be procured. R. C., c. 100, s. 3. 1785, c. 242, s. 2.

The board of county commissioners appointing the commissioners, may direct them to purchase or hire a flat with a windlass and the appurtenances necessary to remove loose rock and other things, which may by such means be more easily removed, and allow the same to be paid for out of the county funds.

Sec. 3709. Power of board of commissioners of Johnston, Wayne, &c., as to Neuse river. R. C., c. 100, s. 4. 1823, c. 1197.

The boards of commissioners of the counties of Johnston, Wayne, Lenoir and Craven, at the first meeting which shall be held for their respective counties after the first day of July, may yearly appoint and lay off, in convenient districts, all the inhabitants of their counties, respectively, resident above Spring Garden on both sides of Neuse river, within such distances of the river as the

said boards of county commissioners shall appoint; and for each district appoint some person as overseer, who shall cause all persons, within the district allotted to him, liable to work on public roads, to work at least six days in every year on the river, unless the boards of county commissioners shall otherwise direct; during which time he shall cause them to be employed in removing all logs, brush and other obstructions to navigation; and for neglect he shall be guilty of a misdemeanor; and every person liable to work as aforesaid, or send hands who shall fail when warned (as hands are for working on roads) to appear and work, with such tools as the overseer shall direct, shall pay for each day one dollar, to be recovered and applied in the same manner as fines for failing to work on public roads: *Provided*, that nothing in this section shall abridge, or interfere with, the rights and privileges of the Neuse River Navigation Company.

State v. Dibble, 4 Jon., 107.

Sec. 3710. Streams to be laid off into districts; one-fourth to be left open for the passage of fish. R. C., c. 100, s. 5. 1787, c. 272, s. 1.

The board of county commissioners may appoint commissioners to examine and lay off the rivers and creeks in their county; and where the stream is a boundary between two counties, may lay off the same on their side; in doing so they shall allow three-fourths for the owner of the stream for erecting slopes, dams and stands; and one-fourth part, including the deepest part, they shall leave open for the passage of fish, marking and designating the same in the best manner they can; and if mills are built across such stream, and slopes may be necessary, the commissioners shall lay off such slopes, and determine the length of time they shall be kept open; and such commissioners shall return to their respective boards of county commissioners a plan of such slopes, dams and other parts of streams viewed and surveyed.

Sec. 3711. Obstructing boats by felling trees, &c., a misdemeanor. R. C., c. 100, s. 6. 1796, c. 460, s. 2.

If any person shall obstruct the free passage of boats, by felling trees, or by any other means whatever, he shall be guilty of a misdemeanor.

State v. Pool, 74—402.

Sec. 3712. Duty of commissioners to examine streams and lay off gates and dams. 1858-'9, c. 26, s. 1.

The commissioners appointed by the board of county

commissioners to examine and lay off the rivers and creeks within the county, or where the stream is a boundary between counties, shall have power to lay off gates, with slopes attached thereto, upon any mill dam built across such stream, of such dimensions and construction as shall be sufficient for the convenient passage of floating logs and other timber, in cases where it may be deemed necessary by the said board of county commissioners; and they shall return to the board of county commissioners appointing them a plan of such gates, slopes and dams in writing.

Sec. 3713. Report made and confirmed. 1858-'9, c. 26, s. 2.

Upon the confirmation of the report made by the commissioners, and notice thereof given to the owner or keeper of said mill, it shall be his duty forthwith to construct, and thereafter to keep and maintain, at his expense, such gate and slope, for the use of persons floating logs and other timber as aforesaid, so long as said dam shall be kept up, or until otherwise ordered by the board of county commissioners.

Sec. 3714. Gates, &c., in dams, how discontinued. 1858-'9, c. 26, s. 3.

The commissioners at any time thereafter appointed as aforesaid, when they may deem such gate and slope no longer necessary, may report the fact to their respective boards of county commissioners, and said boards of county commissioners may order the same to be discontinued.

Sec. 3715. Penalty on owner of dam for failing to make gates, &c. 1858-'9, c. 26, s. 4.

Any owner or keeper of a mill, whose dam is across any such stream, and who shall fail to build a gate and slope therein, or thereafter to keep and maintain the same as required under this chapter, shall be guilty of a misdemeanor.

Sec. 3716. Authority to repair breaks. 1879, c. 53, s. 1.

Wherever any stream of water which is used to propel machinery shall be by freshet or otherwise diverted from its usual channel so as to impair its power as used by any person, such person shall have power to repair the banks of such stream at the place where the break occurs, so as to cause the stream to return to its former channel.

Sec. 3717. Entry on another's land; proviso. 1879, c. 53, s. 2.

In case the break occurs on the lands of a different person from the one utilizing the stream, the person utilizing the stream shall have power to enter upon the lands of such other person to repair the same, and in case such person objects, the clerk of the superior court of the county in which the break occurs shall, upon application of the party utilizing the stream, appoint three disinterested freeholders, neither of whom shall be related to either party, who after being duly sworn shall lay off a road if necessary by which said person may pass over the lands of such other person to the break, and repair said break from time to time as often as may be necessary, so as to cause the said stream to return to its original channel, and assess any damage which may thereby be occasioned: *Provided*, the party upon whose land the work is proposed to be done shall have five days' notice in writing served on him or left at his place of residence: *Provided further*, that it shall be the duty of said commissioners to assess the damages of any one on whose land shall be laid off to be paid by the applicant for said road: *Provided also*, that either party shall have the right of appeal to the superior court.

Sec. 3718. Misdemeanor; penalty. 1879, c. 53, s. 3.

If the owner of the lands shall prevent or in any wise hinder the person utilizing the stream from passing over his lands after the road is laid off and damages assessed as provided in the preceding section, he shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days, or both.

Sec. 3719. Owners of boats authorized to construct draws in bridges; draws to be constructed and maintained by owners of boats. 1879, c. 279, ss. 1, 2.

Whenever the navigation of any river or creek, which, in the strict construction of law, might not be considered a navigable stream, shall be obstructed by any bridge across said stream, it shall be lawful for any person owning any boat plying on said stream to make a draw in such bridge sufficient for the passage of such boat; and the party owning such boat shall construct and maintain such draw at his own expense, and shall use the same in such manner as to delay travel as little as possible.

CHAPTER FIFTY-SEVEN.

SALARIES AND FEES.

SECTION.	SECTION.
3720. Governor's salary.	3740. Clerks required to keep posted the fee bill.
3721. Private secretary.	3741. Commissioners of affidavits.
3722. Executive clerk.	3742. Fees of constables.
3723. Treasurer.	3743. Coroners.
3724. Secretary of state.	3744. Entry-takers.
3725. Fees to be collected by the secretary of state.	3745. Inspectors.
3726. Auditor.	3746. Jailers.
3727. Superintendent of public instruction.	3747. Jurors.
3728. Attorney-general and reporter of the supreme court.	3748. Justices of the peace.
3729. Attorney-general allowed clerical assistance.	3749. Notaries public.
3730. Adjutant-general.	3750. Rangers.
3731. Salaries of state officers payable quarterly.	3751. Registers of deeds.
3732. Servants allowed to the various state departments; compensation.	3752. Sheriffs.
3733. Justices of the supreme court.	3753. Standard keepers.
3734. Judges of the superior court.	3754. Surveyors, processioners and chain-carriers.
3735. Certificate of his attendance to be produced by judge or deduction made from his salary.	3755. Tobacco pickers.
3736. Solicitors.	3756. Witnesses.
3737. Fees of solicitors.	3757. Dates and figures, how reckoned in copy sheet.
3738. Clerk of the supreme court.	3758. Fees of officers, by whom and how payable.
3739. Clerks of the superior court.	3759. Fees on returns to secretary of state.
	3760. How fees of officers collected.
	3761. Clerks to furnish blank writs.
	3762. Clerks may issue execution for fees in certain cases; bill of costs to be annexed.

Sec. 3720. Governor's salary. 1879, c. 240, s. 1.

The salary of the governor shall be three thousand dollars per annum.

Sec. 3721. Private secretary. R. C., c. 102, s. 12. 1856-'7, p. 71, Res. 1881, c. 346.

The private secretary of the governor shall be allowed an annual salary of twelve hundred dollars, and he shall charge and collect the following fees, to be paid by the

persons for whom the services are rendered, namely: for the commission of a judge, solicitor, senator in congress, representative in congress, notary public, two dollars each; for any commission for a place of profit, two dollars; for a testimonial, one dollar; for affixing the seal to a grant, twenty-five cents; and for affixing the great seal of the state to state bonds, ten cents. All fees received by the private secretary shall be paid into the treasury quarterly.

Sec. 3722. Executive clerk. 1876-'7, p. 589, Res. 1881, c. 218.

The governor is allowed six hundred dollars per annum, to be expended for clerk hire in the executive office.

Sec. 3723. Treasurer. 1879, c. 240, s. 2. 1881, c. 128.

The salary of the treasurer shall be three thousand dollars. He shall be allowed two clerks at salaries respectively of fifteen hundred and seven hundred and fifty dollars per annum. He shall be the treasurer of the asylums for the insane and of the deaf and dumb and the blind, the penitentiary and the agricultural department, and shall perform his duties as treasurer of these several institutions under such regulations as shall be prescribed in each case by their respective boards of directors, with the approval of the governor; and the said treasurer shall be responsible on his official bond for the faithful discharge of his duties as treasurer of each of the several institutions aforesaid. The treasurer shall also be allowed the sum of eight hundred dollars per annum, to enable him to perform the duties devolving upon him as treasurer of said institutions.

Sec. 3724. Secretary of state. 1879, c. 240, s. 6. 1881, p. 632, Res.

The secretary of state shall receive a salary of two thousand dollars per annum, and one thousand dollars for clerical assistance. All fees received by said officer shall be paid into the treasury quarterly. The secretary of state shall also be allowed one thousand dollars per annum for additional clerical assistance in the discharge of the duties of his office, and the treasurer shall pay the same, upon the warrant of the auditor, out of the fees collected by the secretary of state and paid into the treasury.

Sec. 3725. Fees to be collected by the secretary of state.**R. C., c. 102, s. 13. 1870-'1, c. 81, s. 3. 1881, c. 79.**

The secretary of state shall collect the following fees, namely: copying and certifying a will not exceeding two copy sheets, fifty cents, and for every additional copy sheet, ten cents; correcting an error, not made by himself, in a patent, fifty cents; copying and certifying the record of a grant or patent, containing not more than six hundred and forty acres, fifty cents; copying and certifying a grant or patent, or plot and survey, containing not more than six hundred and forty acres, fifty cents for each warrant contained in such grant, patent or plot, not to exceed five dollars for one copy; receiving surveyor's return, making out, recording, and indorsing grant, sixty cents; each certificate, ten cents; filing and recording a copy of the judgment vacating a grant, and all other services thereon, fifty cents; copying an entry from the journals of the assembly, forty cents; copying and certifying the laws of other states, twenty cents for each copy sheet; receiving articles of agreement, and filing and recording letters patent, one dollar; and in all cases not provided for above, the secretary of state shall receive the same fees for copies of records from his office, that are allowed by law to registers of deeds.

Sec. 3726. Auditor. 1879, c. 240, s. 7. 1881, c. 213.

The auditor shall receive a salary of fifteen hundred dollars per annum, and shall be allowed no fees or other compensation whatever. He shall be allowed one clerk at a salary of one thousand dollars per annum. And he is authorized to employ additional clerical assistance in his office; and, for that purpose, shall be allowed the sum of five hundred dollars per annum.

Sec. 3727. Superintendent of public instruction. 1879, c. 240, s. 8.

The superintendent of public instruction shall receive an annual salary of fifteen hundred dollars.

Sec. 3728. Attorney-general and reporter of the supreme court. R. C., c. 102, s. 5. 1870-'1, c. 81, s. 7. 1873-'4, c. 34, s. 4. 1879, c. 240, s. 9.

The attorney-general shall receive an annual salary of one thousand dollars; and also one hundred dollars for each term of the supreme court, which he shall attend. As reporter to the supreme court he shall be allowed one thousand dollars per annum. All fees received by him

shall be covered into the treasury, but shall be appropriated for clerical assistance as prescribed in the succeeding section.

Sec. 3729. Attorney-general allowed clerical assistance. 1881, c. 214.

The sum of three hundred dollars, and the fees recovered in behalf of the attorney-general, on the affirmation of judgments by the supreme court against defendants in criminal actions, are annually appropriated to the employment of clerical assistance in copying the opinions of the supreme court, and preparing the cases decided, for publication in the reports, and the same shall be paid to the attorney-general on the warrant of the auditor.

Sec. 3730. Adjutant-general. 1879, c. 240, s. 10. 1883, c. 283, s. 2.

The salary of the adjutant-general shall be six hundred dollars per annum. He shall not be allowed any traveling or other expenses, or any clerical assistance at the expense of the state.

Cotten v. Ellis, 7 Jan., 545; *Austin v. Helms*, 65—560.

Sec. 3731. Salaries of state officers payable quarterly. 1879, c. 240, s. 11.

All annual salaries shall be paid quarterly out of any money in the treasury not otherwise appropriated: *Provided*, that the clerks and servants of the several departments shall receive their pay monthly.

Sec. 3732. Servants allowed to the various state departments; compensation. 1881, c. 293. 1883, c. 352.

The governor's office, the treasurer's office, the auditor's office and the secretary of state's office, shall each be allowed one servant, and the office of the superintendent of public instruction and state librarian one together. Said servants shall receive as compensation seven dollars per week, to be paid by the treasurer on the pay-rolls of the keeper of the capitol. The night watch and janitor shall each receive as compensation one dollar and a half per day for their services.

Sec. 3733. Justices of the supreme court. 1868, c. 46, s. 4. 1879, c. 240, s. 3.

Each justice of the supreme court shall be allowed an annual salary of twenty-five hundred dollars.

Sec. 3734. Judges of the superior court. 1868, c. 46, s. 6. 1879, c. 240, s. 4. 1881, c. 224.

The judges of the superior court shall each have an annual salary of twenty-five hundred dollars, in full compensation for all judicial duties assigned them by the general assembly; and for the holding of a special or additional term of the superior court, the judge presiding shall receive one hundred dollars for each week, to be paid by the county in which the special term is held, on the production of the certificate of the clerk of the court aforesaid. The governor in assigning the judges to hold extra and special terms of said courts shall observe, as near as may be, an equal division of labor among the several judges.

Sec. 3735. Certificates of attendance to be produced by judge or deduction made from his salary. R. C., c. 102, s. 4. 1868, c. 46, s. 7. 1879, c. 240, s. 5.

Every judge of the superior court shall produce a certificate from the clerk of each county of his having held the court of the county according to law; and for every such certificate omitted to be produced, there shall be a deduction from his salary of one hundred dollars, unless he shall be prevented by sickness or other unavoidable cause.

Sec. 3736. Solicitors. 1879, c. 240, s. 12.

The solicitors of the several judicial districts shall receive twenty dollars for each term of the superior court they shall attend, to be paid by the state treasurer upon a certificate of such attendance from the clerk of the court, and the fees as prescribed in the following section.

Moore v. Roberts, 87—11.

Sec. 3737. Fees of solicitors. 1873-'4, c. 170.

The solicitors shall, in addition to the general compensation allowed them by the state, receive the following fees, and no other, namely: for every conviction upon an indictment which they may prosecute for a capital crime, twenty dollars; perjury, forgery, counterfeiting, passing or attempting to pass or sell any forged or counterfeited paper or evidence of debt; maliciously injuring or attempting to injure any railroad or railroad car, or any person traveling on such railroad car; stealing or obliterating records; stealing, concealing, destroying or obliterating any will; maliciously burning or attempting to burn houses or bridges; misdemeanors of accessories

after the fact to felonies; in each of the above cases, ten dollars; for larceny, receiving stolen goods, embezzlement, frauds, maims, deceits and escapes, five dollars; for all other offences, four dollars. The fees in all the above cases are to be taxed in the costs against the party convicted; but where the party convicted is insolvent, the solicitor's fees shall be one-half, to be paid by the county in which the indictment was found: *Provided*, that no larger fee than ten dollars shall be taxed for the solicitor in any indictment against the justices of the peace of any county, as justices, when there are more than three justices who are found guilty. And in all appeals to the supreme court of persons convicted of criminal offences, a fee of ten dollars against each person who shall not reverse the judgment, shall be allowed the attorney-general, to be taxed among the costs of that court.

Cantwell v. Com'rs, 71—154; State v. Mooney, 74—98; State v. Tyler, 85—569; Moore v. Roberts, 87—11.

Sec. 3738. Clerk of the supreme court. R. C., c. 102, ss. 25, 26. 1870-'1, c. 139, s. 7.

The clerk of the supreme court shall receive an annual salary of three hundred dollars, to be paid semi-annually, on a certificate of the justices; and, in addition thereto, the following fees, namely: for recording the papers and proceedings in the causes decided in the supreme court, which are required by law to be recorded, such compensation as may be estimated by the justices of the court at each term, not to exceed thirty cents for each page recorded, to be paid by the treasurer, on the certificate of the justices; for entering an appeal, one dollar; a continuance, thirty cents; a *scire facias*, eighty cents; a *certiorari*, eighty cents; a determination, two dollars; a certificate, sixty cents; a *feri facias*, or other execution, fifty cents; a seal, twenty-five cents; a transcript, or copy of a record, twenty cents for each copy sheet; a rule given for service, twenty-five cents; a rule not for service, fifteen cents; a subpoena, writ, or other process, one dollar; a commission, fifty cents; drawing a decree or judgment, by the copy sheet, forty cents; a search, ten cents; affixing the seal to any writing requiring it, twenty-five cents; and an affidavit, twenty cents.

Martin v. Chasteen, 75—96; Clerk's office v. Com'rs, 79—598.

Sec. 3739. Clerk of the superior court. 1870-'1, c. 139, s. 11. 1871-'2, c. 146.

The fees of the clerk of the superior court shall be the following, and no other, namely:

Affidavit, including *jurat* and certificate, twenty-five cents;

Appeal from justice of the peace, including docketing, fifty cents;

Appeal from the clerk to the judge, including docketing, fifty cents;

Appeal to supreme court, including certificate and seal, two dollars;

Appointing and qualifying justices of the peace, to be paid by the justice, twenty-five cents;

Apprenticing infant, including indenture, one dollar;

Attachment, order in, fifty cents;

Auditing account of executor, administrator, guardian, or other trustee required to render accounts, if not over three hundred dollars, fifty cents; if over three hundred dollars and not exceeding one thousand dollars, eighty cents; if over one thousand dollars, one dollar;

Auditing final settlement of any such trustee required to render accounts, one half of one per cent. of the amount on which commissions are allowed to such trustee, for all sums not exceeding one thousand dollars; and for all sums over one thousand dollars, one-tenth of one per cent. on such excess; but such fees shall not exceed fifteen dollars, unless there be a contest, when the clerk shall have one per cent. on the said excess over one thousand dollars; but in no instance shall his fees exceed twenty-five dollars;

Bill of costs, preparing same in criminal action, twenty-five cents;

Bond or undertaking, including justification, sixty cents;

Capias, each defendant, one dollar;

Caveat to a will, entering and docketing same for trial, one dollar;

Certificate, except where it is a charge against the county, twenty-five cents; and where it is a charge against the county, the fee shall be such sum not exceeding twenty-five cents, as the board of commissioners shall allow;

Commission, issuing, seventy-five cents;

Continuance, thirty cents;

Docketing laborer's lien, fifty cents;

Docketing *ex parte* proceedings, fifty cents;

Docketing judgment, except as otherwise provided, twenty-five cents;

Execution and return thereon, including docketing, fifty cents; and certifying return to clerk of any county where judgment is docketed, twenty-five cents;

Guardian, appointment of, including taking bond and justification, one dollar;

Impaneling jury, ten cents;

Indictment, each defendant in the bill, sixty cents;

Injunction, order for, including taking bond or undertaking and justification, one dollar;

Judgment, final, in term-time, including docketing, in civil action, one dollar;

Judgment, final, against each defendant, including docketing, in criminal actions, one dollar;

Judgment, final, before the clerk, including docketing, fifty cents;

Judgment by confession, without notice, all services, three dollars;

Judgment, in favor of widow for year's support, fifty cents;

Judgment *nisi*, entering against a defaulting witness or juror, on bail bond or recognizance, twenty-five cents;

Juror ticket, including *jurat*, ten cents;

Justification of sureties on any bond or undertaking, except as otherwise provided, fifty cents;

Letters of administration, including bond and justification of sureties, one dollar;

Motions, entry and record of, twenty-five cents;

Notices, twenty-five cents; and for each name over one, in same paper, ten cents additional;

Notifying solicitors of removal of guardian, one dollar;

Order enlarging time for pleading, and all interlocutory orders, in special proceedings and civil actions, twenty-five cents;

Order of arrest, one dollar;

Order for appearance of apprentice, on complaint of master, one dollar; for appearance of master on complaint of apprentice, one dollar;

Order for the registration of a deed or other writing, which has been proved or acknowledged in another county, or before a judge, justice, notary, or other officer, except a chattel mortgage, twenty-five cents;

Postage, actual amount necessarily expended;

Presentment, each person presented, ten cents;

Probate of a deed or other writing, proved by a witness, including the certificate, twenty-five cents;

Probate of a deed or other writing, acknowledged by the signers or makers, including all except married women who acknowledge at the same time, with the certificate thereof, twenty-five cents;

Probate of a deed, or other writing, executed by a

married woman, for her acknowledgment and private examination, with the certificate thereof, twenty-five cents;

Probate of a chattel mortgage, including the certificate, ten cents;

Probate of will in common form and letters testamentary, one dollar;

Qualifying justices of the peace to be paid by the justice, twenty-five cents;

Qualifying members of the board of commissioners, to be paid by the commissioner, twenty-five cents;

Recognizance, each party where no bond is taken, twenty-five cents;

Recording, and copying papers, per copy sheet, ten cents;

Resignation of guardian, relinquishment of right to administer, or to qualify as executor, receiving, filing and noting same, twenty-five cents;

Seal of office, when necessary, twenty-five cents;

Subpœna, each name, fifteen cents;

Summons, in civil actions or special proceedings, including all the names therein, and docketing, one dollar; and for every copy thereof, twenty-five cents;

Transcript of judgment, twenty-five cents;

Transcript of any matter of record or papers on file, per copy sheet, ten cents;

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make;

Witness ticket, including *jurat*, ten cents;

Five per cent. commissions shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office; and three per cent. on all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgments, decrees, and executions; and upon the excess over five hundred dollars of such sums, one per cent.

Brandon v. Com'rs, 71—62; Patterson v. Miller, 72—516; Wall v. Covington, 76—150; Andrews v. Whisnant, 83—446.

Sec. 3740. Clerks required to keep posted the fee bill.

Every clerk shall keep posted in his office the fee bill for public inspection and reference, in some conspicuous place, under a penalty of one hundred dollars for such neglect, to be paid to any person who will sue for the same; and shall also be guilty of a misdemeanor.

Sec. 3741. Commissioners of affidavits. R. C., c. 102, s. 35. 1870-'1, c. 139, s. 3.

Commissioners of affidavits, and those who are authorized by law to act as such, shall receive the following fees, and no other, namely: for an affidavit taken and certified, forty cents; affixing his official seal, twenty-five cents.

Sec. 3742. Fees of constables. 1883, c. 108.

Constables shall be allowed the same fees as sheriffs.

Sec. 3743. Coroners. 1870-'1, c. 139, s. 10.

Fees of coroners shall be the same as are or may be allowed sheriffs in similar cases:

For holding an inquest over a dead body, five dollars; if necessarily engaged more than one day, for each additional day, five dollars;

For burying a pauper over whom an inquest has been held, all necessary and actual expenses, to be approved by the board of county commissioners, and paid by the county;

It shall be the duty of every coroner, where he or any juryman shall deem it necessary to the better investigation of the cause or manner of death, to summon a physician or surgeon, who shall be paid for his attendance and services ten dollars, and such further sum as the commissioners of the county may deem reasonable.

Sec. 3744. Entry-taker. R. C., c. 102, s. 32. 1870-'1, c. 139, s. 3.

Entry-takers shall receive the following fees, and no other, namely: for an entry, including all services, forty cents; issuing each duplicate warrant, when thereto required, twenty-five cents.

Richardson v. Wicker, 80—172.

Sec. 3745. Inspectors. R. C., c. 102, s. 39.

Inspectors shall receive the following fees for the duties required of them, and no other, namely: for inspecting tun-timber, twenty cents per thousand feet; inspecting, turning up, coopering, finding nails, hoops, and issuing a note for every hogshead of tobacco, seventy cents; inspecting transfer tobacco, at the rate of five cents per hundred pounds; inspecting a barrel of flour, five cents; a barrel of pork or beef, ten cents; a barrel of rice or butter, six and a fourth cents; a barrel of fish, three cents; each barrel of tar, pitch or turpentine, two and a

half cents, to be paid by the purchaser; every two thousand shingles, two and a half cents; every thousand feet of boards, plank or scantling, thirty cents; every barrel of flax seed containing seven and a half bushels, ten cents.

Sec. 3746. Jailers. R. C., c. 102, s. 38. 1879, c. 87.

Jailers shall receive, for finding prisoner fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, with every necessary attendance, a sum not exceeding twenty-five cents per day, unless the board of commissioners of the county shall deem it expedient to increase the fees, which it may do provided such increase shall not exceed fifty per cent. on the above sum. But whatever sum may be fixed on by the commissioners shall be recorded, and shall not be altered within one year thereafter.

Sec. 3747. Jurors. R. C., c. 28, s. 15. 1870-'1, c. 139, s. 6. 1881, c. 53, s. 1.

Jurors shall receive per day what shall be allowed by the commissioners of the county, not exceeding one dollar and fifty cents;

Per mile of travel, going to and returning from court, not exceeding five cents, to be fixed by the county commissioners, and such ferriage and tolls as they may have to pay;

The same pay shall be allowed to special jurors when sworn to serve during the day, but no tolls, ferriage or mileage;

Jurors shall receive not exceeding one dollar and fifty cents for each day's attendance at court or inquest, and mileage at the rate of five cents per mile; they shall also be allowed such ferriage and tolls as they may have necessarily incurred;

The same per diem shall be allowed to special jurors, or talesmen, who shall be summoned to serve and do serve; but they shall not be entitled to receive any ferriage, tolls or mileage;

Jurors, or appraisers, to lay off dower, homestead and personal property exemptions, and year's allowance shall each receive one dollar per day.

Green v. Wynne, 66—530; Long v. Com'rs, 76—273; Young v. Com'rs, 76—316.

Sec. 3748. Justices of the peace. 1870-'1, c. 139, s. 9. 1871-'2, c. 186. 1883, c. 368.

Justices shall receive no fees whatever, except the following: for attachment, twenty cents;

Transcript of judgment, ten cents;
 Summons, twenty cents; if more than one defendant in same case, for each, additional, ten cents;
 Subpoena, for each witness, ten cents;
 Trial of an issue and judgment, forty cents;
 Taking an affidavit, bond or undertaking, ten cents;
 For jury trial and entering verdict, forty cents;
 Execution, twenty cents;
 Renewal of execution, five cents;
 Return to an appeal, thirty cents;
 Order of arrest in civil action, twenty cents;
 Warrant for arrest in criminal cases, or in bastardy, thirty cents;
 Warrant of commitment, twenty cents;
 Taking depositions on order or commission, per copy sheet, ten cents;
 Making necessary certificate and return to same, thirty-five cents;
 For examination of women in case of bastardy, twenty-five cents;
 For hearing petition for widow's year's allowance, and issuing notice to commissioners, fifty cents;
 For filing and docketing laborer's lien, fifty cents;
 Probate of a deed or other writing proved by a witness, including the certificate, twenty-five cents; probate of a deed or other writing executed by a married woman for her acknowledgment and private examination, with the certificate thereof, twenty-five cents; probate of a deed or other writing acknowledged by the signers or makers, including all except married women who acknowledge at the same time, with the certificate thereof, twenty-five cents; probate of a chattel mortgage, including the certificate, ten cents.

Sec. 3749. Notaries public. R. C., c. 102, s. 41.

Notaries public and other persons acting as such, shall be allowed one dollar for all services on a protest for non-acceptance, or for non-payment, or for both when done at the same time, of any order, draft, note, bond, or bill, or any other thing necessary to be protested. For other necessary services, where no fee is fixed, they shall be allowed twenty cents for every ninety words: *Provided*, that cases of protest concerning vessels or their cargoes shall not be affected by this chapter.

Sec. 3750. Rangers. R. C., c. 102, s. 34. 1870-'1, c. 139, s. 3.

Rangers shall receive the following fees, and no other,

namely: for entering each horse, mare, gelding, colt, mule, ass, or jenny, including the certificate, fifty cents; for entering each head of neat cattle, twenty-five cents; for entering each head of hogs or sheep, ten cents; for a bond, twenty cents; for advertising such strays as are required to be advertised, one dollar and fifty cents; for a search, ten cents.

Sec. 3751. Registers of deeds. 1870-'1, c. 139, s. 8. 1873-'4, c. 153.

The registers of deeds shall be allowed, while and when acting as clerks to the boards of commissioners, such *per diem* as their several boards may respectively allow, not exceeding two dollars;

Registering any deed or other writing authorized to be registered or recorded by them, with certificate of probate or acknowledgment and private examination of a married woman, containing not more than three copy sheets, eighty cents; and for every additional copy sheet, ten cents;

For a copy of any record or any paper in their offices, like fees as for registering the same;

For issuing each notice required by the county commissioners including subpoenas for witnesses, fifteen cents;

Recording each order of commissioners, ten cents, if over one copy sheet; for every one over, ten cents;

Making out original tax list, two cents for each name thereon; for each name on each copy required to be made, two cents;

Issuing marriage license, one dollar.

Robinson v. Ezzell, 72—231; *Patterson v. Miller*, 72—516

Sec. 3752. Sheriffs. R. C., c. 102, s. 21. 1870-'1, c. 139, s. 4. 1883, c. 179.

Executing summons or any other writ or notice, sixty cents;

Arrest of a defendant in civil action and taking bail, including attendance to justify, and all services connected therewith, one dollar;

Arrest of a person indicted, including all services connected with the taking and justification of bail, one dollar;

Imprisonment of any person in a civil or criminal action, thirty cents; and release from prison, thirty cents;

Executing subpoena on a witness, thirty cents;

Conveying a prisoner to jail to another county, ten cents per mile;

For prisoner's guard, if any necessary, and approved by the county commissioners, going and returning, per mile for each, five cents;

Expenses of guard and all other expenses of conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, whatever sum may be allowed by the board of commissioners of the county in which the indictment was found on the affidavit of the officer in charge;

Providing prisoner in county jail with suitable beds, bed-clothing, other clothing and fuel, and keeping the prison and grounds cleanly, whatever sum shall be allowed by the commissioners of the county;

Collecting fine and costs from convict, two and a half per cent. on the amount collected;

Collecting executions for money in civil actions, two and a half per cent. on the amount collected; and the like commissions for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff;

Advertising a sale of property under execution at each public place required, fifteen cents;

Seizing specific property under order of a court, or executing any other order of a court or judge, not specially provided for, to be allowed by the judge or court;

Taking any bond or undertaking, including furnishing the blanks, fifty cents;

The actual expense of keeping all property seized under process or order of court, to be allowed by the court on the affidavit of the officer in charge;

A capital execution, ten dollars; and actual expenses of burying the body;

Summoning a grand or petit jury, for each man summoned, thirty cents, and ten cents for each person summoned on a special *venire*;

For serving any writ or other process with the aid of the county, the usual fee of one dollar, and the expense necessarily incurred thereby, to be adjudged by the county commissioners, and taxed as other costs;

Matlock v. Harper, 4 Hawks, 1; Dibble v. Aycok, 5 Jon. Eq., 399; Willard v. Satchwell, 70—268; Johnson v. Kennedy, 70—435; Durham v. Bostick, 72—353; Allen & Reid v. Spoon, 72—369; Dawson v. Graffin, 84—100; Bryan v. Commissioners, 84—105.

All just fees paid to any printer for any advertisement required by law to be printed;

Bringing up a prisoner upon *habeas corpus*, to testify

or answer to any court or before any judge, one dollar, and all actual and necessary expenses for such services, and ten cents per mile by the route most usually traveled, and all expenses for any guard actually employed and necessary;

For summoning and qualifying appraisers, and for performing all duties in laying off homesteads and personal property exemptions, or either, two dollars, to be included in the bill of costs;

For levying an attachment, one dollar;

For attendance to qualify jurors to lay off dower, or commissioners to lay off year's allowance, one dollar; and for attendance, to qualify commissioners for any other purpose, seventy-five cents;

Executing a deed for land or any interest in land sold under execution, one dollar, to be paid by the purchaser;

Service of writ of ejectment, one dollar;

For every execution, either in civil or criminal cases, fifty cents.

Sec. 3753. Standard keepers. R. C., c. 102, s. 37. 1870-'1, c. 139, s. 3. 1874-'5, c. 110.

Standard keepers shall be entitled to receive the following fees, and no other, namely: for examining and adjusting a pair of steelyards, twenty-five cents; every weight of half a pound and upwards, five cents; every set of weights below half a pound, including one piece of each denomination, five cents; for a yard stick, or other measure of cloth, five cents; every bushel, half bushel, peck or other measure used in measuring grain, meal or salt, ten cents; each measure for liquors or wines, three cents, and for extra work on bushel and half-bushel measures a sum not exceeding twenty-five cents in any one case.

Sec. 3754. Surveyors, processioners and chain-carriers. R. C., c. 102, s. 33. 1870-'1, c. 139, s. 3.

Surveyors appointed by courts to survey any lands, the boundaries of which may come in question in any suit or proceeding pending therein, or called upon by the commissioners to assist in surveying and dividing the lands of intestates or others, held in common, shall receive the following fees, and no other, namely: for every survey on an entry containing three hundred acres or less, one dollar and sixty cents, and for every hundred more than that quantity, forty cents; for surveying lands in dispute, by order of court, traveling to and

from the place, and performing the duty, two dollars per day, or such greater sum as the court may allow; for assisting in surveying and dividing the lands of intestates, or others, held in common, when called upon by the commissioners appointed to make partition, or in laying off dower; traveling to and from the place, and performing the duty, two dollars per day. In all surveys made by order of the court, the chain-carriers shall be allowed such compensation as the court may determine, not exceeding one dollar each per day; and in matters of disputed boundary, which may come in question, in any suit, the court may make to the surveyor such allowance for plots as it may deem reasonable, which, with the allowance to chain-carriers, shall be taxed as costs.

Sec. 3755. Tobacco pickers. R. C., c. 102, s. 40.

Tobacco pickers, for every one hundred pounds picked and prized, shall receive the fifteenth part.

Sec. 3756. Witnesses. 1870-'1, c. 139, s. 13. 1883, c. 86.

The fees of witnesses, whether attending at a term of court or before the clerk, or a referee, or commissioner, or arbitrator, shall be one dollar per day. They shall also receive mileage, to be fixed by the county commissioners of their respective counties, at a rate not to exceed five cents per mile for every mile necessarily traveled from their respective homes in going to and returning from the place of examination by the ordinary route, and ferriage and toll paid in going and returning. If attending out of their counties, they shall receive one dollar per day and five cents per mile going and returning by the ordinary route, and toll and ferriage expenses. *Provided*, that witnesses before courts of justices of the peace, shall receive fifty cents per day in civil cases, and in criminal actions of which justices of the peace have final jurisdiction, witnesses attending the courts of justices of the peace, under subpœna, shall receive fifty cents per day; but the party cast shall not pay for more than two witnesses subpœnaed, to prove any one material fact, and no prosecutor or complainant shall pay any costs, unless the justice shall find that the prosecution was malicious or frivolous. *Provided further*, that experts, when compelled to attend and testify, shall be allowed such compensation and mileage as the court may in its discretion order.

Loftin v. Baxter, 66—340; *State v. Dollar*, 66—626; *Moore v. Com'rs*,

70—340; Lewis v. Com'rs, 74—194; Young v. Com'rs, 76—316; Deaver v., Com'rs, 80—116; Belden v. Snead, 84—243.

Sec. 3757. Dates and figures, how reckoned in copy sheet.

R. C., c. 102, s. 42. 1868-'9, c. 279, s. 556.

A copy sheet shall consist of one hundred words, and in reckoning the number of words in a copy sheet, every date, or amount of money, expressed in figures, as 1855, \$250.90, shall be estimated and charged as one word.

Sec. 3758. Fees of officers, by whom and how paid. C. C.

P., s. 555. 1868-'9, c. 279, s. 555.

The several officers named in this chapter shall receive the fees hereinbefore prescribed for them respectively, from the persons for whom, or at whose instance, the service shall be performed, except persons suing as paupers; and no officer shall be compelled to perform any service, unless his fee be paid or tendered, except in criminal actions. The said officers shall receive no extra allowance or other compensation whatever, unless the same shall be expressly authorized by statute. In case the service shall be ordered by any proper officer of the state, or of a county, for the benefit of the state or county, the fees need not be paid in advance; but if for the state, shall be paid by the state, as other claims against it are; if for a county, by the board of commissioners, out of the county funds.

Lute v. Reilly, 65—20; Jones v. Gupton, 65—48; Duncan v. Rhyne, 65—530; Vannoy v. Haymore, 71—128; Brandon v. Com'rs, 71—62; State v. Mooney, 74—93; Bunting v. Com'rs, 74—633; Andrews v. Whisnant, 83—446.

Sec. 3759. Fees on returns to secretary of state. C. C. P.,

s. 557. 1868-'9, c. 279, s. 557.

All officers required to make returns to the secretary of state shall receive for such returns five cents per copy sheet, to be audited on the certificate of the secretary of state, and paid as other claims against the state.

Sec. 3760. How fees of officers collected. C. C. P., s. 562.

1868-'9, c. 279, s. 561.

If any officer, to whom fees are payable by any person, shall fail to receive them at the time the service is performed, he may have judgment therefor on motion to the court in which the action is or was pending, upon twenty days' notice to the person to be charged, at any time within one year after the termination of the action

in which the same was performed; if the motion for judgment be in behalf of the clerk of the superior court, it shall be made to the judge of the court in or out of term.

Andrews v. Whisnant, 83-446; *Sheppard v. Bland*, 87-163.

Sec. 3761. Clerks to furnish blank process. C. C. P., s. 559. 1868-'9, c. 279, s. 558.

Clerks of courts shall furnish to parties, printed copies of the formal parts of all process required to be issued by them, with convenient blank spaces for the insertion of written matter; and also the blank forms of such bonds and undertakings as are required to be taken by them.

Sec. 3762. Clerks may issue execution for fees in certain cases; bill of costs to be annexed. R. C., c. 102, s. 24.

The clerks of the supreme, superior, inferior and criminal courts, where suits are determined and the fees are not paid by the party from whom they are due, shall sue out executions, directed to the sheriff of any county in the state, who shall levy them as in other cases; and to the said execution shall be annexed a bill of costs, written in words, so as plainly to show each item of costs, and on what account it is taxed; and all executions for costs, issuing without such a bill annexed, shall be deemed irregular, and may be set aside as to the costs, at the return term, at the instance of him against whom it is issued.

King v. Featherston, 4 D. & B., 126; *Sheppard v. Bland*, 87-163.

CHAPTER FIFTY-EIGHT.

SLANDER OF WOMEN.

SECTION.

3763. What words spoken of women shall be actionable.

Sec. 3763. What words spoken of women shall be actionable. R. C., c. 106. 1808, c. 478.

Whereas, doubts have arisen whether actions of slander can be maintained against persons who may attempt, in a wanton and malicious manner, to destroy the reputation of innocent and unprotected women, whose very

existence in society depends upon the unsullied purity of their character; therefore any words written or spoken of a woman, which may amount to a charge of incontinency, shall be actionable.

Watts v. Greenlee, 1 Dev., 210; Watts v. Greenlee, 2 Dev., 115; Hampton v. Wilson, 4 Dev., 468; McBrayer v. Hill, 4 Ired., 136; Sharpe v. Stephenson, 12 Ired., 348; Lucas v. Nichols, 7 Jon., 32; Sowers v. Sowers, 87-303.

CHAPTER FIFTY-NINE.

STATUTES, REPEAL, AND CONSTRUCTION OF.

SECTION.	SECTION.
3764. Repeal of statutes not to affect action.	(7) "Preceding" and "following."
3765. Rules for construing statutes:	(8) "Seal."
(1) Singular and plural number, masculine gender, &c.	(9) "Will."
(2) Authority of public officers, &c., exercised by majorities, unless, &c.	(10) "Written" and "in writing."
(3) "Month" and "year."	(11) "State" and "United States."
(4) Leap-year day, how counted.	(12) "Imprisonment for one month," how construed.
(5) "Oath" and "sworn."	3766 How parts of acts amended to be considered.
(6) "Person" and "property."	

Sec. 3764. Repeal of statutes not to affect actions. R. C., c. 108, s. 1. 1830, c. 44. 1879, c. 163. 1881, c. 48.

The repeal of a statute shall not affect any action brought before the repeal, for any forfeitures incurred, or for the recovery of any rights accruing under such statute.

Governor v. Howard, 1 Mur., 465; State v. Cress, 4 Jon., 421; State v. Nutt, Phil., 20; Sumner v. Miller, 64-688; Brinkley v. Swicegood, 65-626; Kesler v. Smith, 66-154; Kingsbury v. R. R. Co., 66-284; Wilson v. Jenkins, 72-5.

Sec. 3765. Rules for construing statutes. R. C., c. 108, s. 2.

In the construction of all statutes, the following rules shall be observed, unless such construction would be in-

consistent with the manifest intent of the general assembly, or repugnant to the context of the same statute, that is to say:

Parker v. Carson, 64—563; *Haywood v. Rogers*, 73—320; *State v. Pool*, 74—402.

(1) SINGULAR AND PLURAL NUMBER, MASCULINE GENDER, &c.

Every word, importing the singular number only, may extend and be applied to several persons or things, as well as to one person or thing; and every word importing the plural number only, may extend and be applied to one person or thing, as well as to several persons or things; and every word importing the masculine gender only, may extend and be applied to females as well as to males;

VonGlahn v. Harris, 73—323; *VonGlahn v. Lattimer*, 73—333.

(2) AUTHORITY OF PUBLIC OFFICERS, &c., EXERCISED BY MAJORITIES, UNLESS, &c.

All words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority;

Austin v. Helms, 65—560; *Britt v. Benton*, 79—177; *Bell v. Foscue*, 81—86.

(3) "MONTH" AND "YEAR."

The word "month" shall be construed to mean a calendar month, unless otherwise expressed; and the word "year" a calendar year, unless otherwise expressed; and the word "year" alone shall be equivalent to the expression "year of our Lord;"

Rives v. Gutherie, 1 Jon., 84; *Satterwhite v. Burwell*, 6 Jon., 92; *State v. Upchurch*, 72—146.

(4) LEAP-YEAR, HOW COUNTED. R. C., c. 31, s. 108. 21 HEN. III.

In every leap-year, the increasing day and the day before, in all legal proceedings, shall be counted as one day; *Simpson v. Sutton*, Phil., 112.

(5) "OATH" AND "SWORN."

The word "oath" shall be construed to include "affirmation," in all cases, where by law an affirmation

may be substituted for an oath, and in like cases the word "sworn" shall be construed to include the word "affirm;"

(6) "PERSON" AND "PROPERTY."

The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals. The words "real property" shall be coextensive with lands, tenements and hereditaments. The words "personal property" shall include moneys, goods, chattels, choses in action and evidences of debt, including all things capable of ownership, not descendible to the heirs at law. The word "property" shall include all property, both real and personal;

(7) "PRECEDING" AND "FOLLOWING."

The words "preceding" and "following," when used by way of reference to any section of the code, shall be construed to mean the section next preceding or next following that in which such reference is made; unless when some other section is expressly designated in such reference;

(8) "SEAL."

In all cases in which the seal of any court or public office shall be required by law to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to include an impression of such official seal, made upon the paper alone, as well as an impression made by means of a wafer or of wax affixed thereto;

Evans v. Roper, 74—639.

(9) "WILL."

The term "will" shall be construed to include codicils as well as wills;

Evans v. Roper, 74—639.

(10) "WRITTEN" AND "IN WRITING."

The words "written" and "in writing," may be construed to include printing, engraving, lithographing, and any other mode of representing words and letters: *Provided*, that in all cases where a written signature is required by law, the same shall be in a proper handwriting, or in a proper mark;

(11) "STATE" AND "UNITED STATES."

The word "state," when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia and the several territories so called; and the words "United States" shall be construed to include the said district and territories;

(12) "IMPRISONMENT FOR ONE MONTH," HOW CONSTRUED.
1879, c. 92, s. 4.

The words "imprisonment for one month," wherever used in any of the statutes, shall be construed to mean "imprisonment for thirty days."

State v. Upchurch, 72—146; State v. Edney, 80—360; State v. Jones, 83—657.

Sec. 3766. How parts of acts amended to be considered.

1868-'9, c. 270, s. 22. 1870-'1, c. 111.

Where a part of a statute is amended it is not to be considered as having been repealed and reenacted in the amended form; but the portions which are not altered are to be considered as having been the law since their enactment, and the new provisions as having been enacted at the time of the amendment.

CHAPTER SIXTY.

STRAYS.

SECTION.	SECTION.
3767. Registers of deeds and justices of the peace <i>ex officio</i> rangers.	3774. Taker-up not answerable for death of stray.
3768. Strays, how taken up and reclaimed.	3775. Ranger may administer oaths.
3769. Reward allowed to taker-up.	3776. Ranger to pay moneys to county treasurer.
3770. Appraisalment of strays.	3777. Rangers' books open to inspection of the public.
3771. Property of stray vested in person taking up same after six months.	3778. Compensation to ranger.
3772. Stray not claimed in six months, two-thirds of its value paid to ranger; owner may reclaim of county.	3779. Receipts for strays delivered to owner to be given to taker-up and filed with the ranger.
3773. Taker-up to give bond, if value of stray exceeds ten dollars.	3780. Proof of death of strays to be furnished ranger.
	3781. Penalties for violating provisions of this chapter.

Sec. 3767. Registers of deeds and justices of the peace ex-officio rangers. R. C., c. 109, s. 1. 1868-'9, c. 100, s. 3. 1874-'5, c. 258, s. 1. 1879, c. 94, s. 1. 1881, c. 339. 1883, c. 162.

The register of deeds in each county shall be *ex-officio* county ranger, and perform all the duties required of him by law as such, and receive the fees prescribed for the same, and shall keep a book in which he shall enter and record all returns made him as such ranger by the justices of the peace of the county, whose duties as rangers are not interfered with by this section. And all justices of the peace shall be legally qualified *ex officio* to act as rangers for their respective townships in the county where they reside, and are hereby invested with all the powers and authority conferred on rangers; and it shall be their duty, within five days after information is filed with them of the taking up of any stray, to return a copy of such information in full, by mail or otherwise, with the name and post-office of the taker-up to the register of deeds of the county for registration as hereinbefore provided.

Sec. 3768. Strays, how taken up and reclaimed. 1874-'5, c. 258, s. 2.

Any person who shall take up any stray horse, mare, colt, mule, ass or jenny, neat cattle, hog or sheep, shall (under a penalty of twenty-five dollars, one-half to the state, and one-half to the informer, for failing so to do within ten days after taking up such stray) inform the owner, if to him known, if not, he shall inform the ranger, of the supposed age, marks, brands and color of the stray, and that the same was taken up at his plantation or place of abode; whereupon the ranger shall record such information in a book kept by him for that purpose, for which service the taker up of said stray or strays shall pay a fee of twenty-five cents, except for hogs and sheep, for which the fee shall be ten cents: *Provided*, that the owner of such stray may reclaim the same at any time before appraisement as hereinafter provided, by paying to the taker-up the ranger's fee, and the reward to the taker-up, with a fair compensation for keeping the same; *Provided further*, that in cases where the owner and taker-up cannot agree as to the last item, it shall be decided as hereinafter provided.

Sec. 3769. Reward allowed to taker-up. R. C., c. 109, s. 3.

The person taking up any stray, for his trouble and ex-

penses, may demand and receive of the owner one dollar for each horse, mare, gelding, colt or mule, ass or jenny, fifty cents for each head of cattle and fifteen cents for each hog and sheep.

Sec. 3770. Appraisement of strays. 1874-'5, c. 258, s. 3.

Any person having taken up any stray shall, at the end of two weeks from the time of said taking up, if still unclaimed, notify the ranger, who shall issue his summons to any two freeholders of the township, who, after taking before the ranger the oath prescribed for the faithful and impartial discharge of their duty, shall view and appraise such stray, and make return thereof to the ranger, which appraisement with a description of the marks, brands, age and color as near as can be ascertained of such stray, together with the time of taking up and place of abode of the person taking it up, shall by such ranger be entered in a book kept for that purpose; he shall immediately thereafter put up an advertisement at the court house describing therein the kind of marks, brand and color of the stray, and if the stray be a horse, mare, colt, mule, ass or jenny, the ranger shall likewise without delay cause an advertisement to be published at least two weeks in a paper in or nearest the county, containing an accurate description of the stray as entered on his books, the name and place of abode of the taker-up; and for the purpose of making such advertisement the taker-up shall pay the ranger two dollars, which the owner shall pay to the taker-up at the time of receiving such stray, or it shall be allowed him in his settlement with the ranger as hereinafter directed.

Sec. 3771. Property of stray vested in person taking up same after six months. 1874-'5, c. 258, s. 4.

The property of every such stray, not proven by the owner within six months, after said appraisement, shall be vested in the person who takes up the same: *Provided*, that the former owner of any such stray at any time within six months after such appraisement and proving his property before the ranger by his own oath or otherwise, may demand and recover such stray, or the valuation thereof, first paying ranger's fees and the reward for taking up the stray: *Provided further*, that where the taker-up shall have been at any expense for keeping and maintaining such stray he may retain the same until the owner shall pay all such expenses. When the parties cannot agree, to be ascertained in the following manner,

namely: The taker-up shall obtain of the ranger a warrant empowering three freeholders, by the ranger to be named, to declare upon oath, upon view of the stray and examination of witnesses, if necessary, how much the taker-up ought to have for keeping the stray, and such sum as shall by the said freeholders or any two of them be declared, he may demand and receive before surrendering the stray.

Sec. 3772. Stray not claimed in six months, two-thirds of its value paid to ranger; owner may reclaim of county. 1874-'5, c. 258, s. 5.

After the expiration of six months from the time of appraisement, no property being proved by the owner, the taker-up shall account to and pay the ranger two-thirds of the appraised value after deducting the ranger's fees and the reward for the taking up the same; and any person failing to comply, shall forfeit double the value of the stray, said forfeiture to be sued for and collected by the ranger: *Provided*, if at any time the owner shall prove his property before the board of commissioners by the oath of one or more witnesses, the court shall direct the county treasurer to pay the owner the net sum of money which the ranger may have paid to the treasurer, after deducting the treasurer's commissions.

Sec. 3773. Taker-up to give bond, if value of stray exceeds ten dollars. R. C., c. 109, s. 6. 1874-'5, c. 258, s. 6.

Any person having property appraised shall give bond in double the value of the stray with approved surety for his faithful compliance with the duties enjoined by this chapter: *Provided*, that if the value of such stray shall not exceed ten dollars no bond shall be required.

Sec. 3774. Taker-up not answerable for death of stray. R. C., c. 109, s. 7. 1874-'5, c. 258, s. 7.

If within six months after the taking up of any stray it should die, the taker-up shall not be answerable unless it may appear to have died by ill usage and abuse.

Sec. 3775. Ranger may administer oaths. R. C., c. 109, s. 9. 1874-'5, c. 258, s. 8.

The ranger may administer the oath in all cases where it is required to be taken before him under this chapter.

Sec. 3776. Ranger to pay over moneys to county treasurer. 1874-'5, c. 278, s. 9.

Every ranger shall pay the county treasurer all moneys that he may receive on account of unclaimed strays in January and June of each year.

Sec. 3777. Ranger's books open to inspection of the public. R. C., c. 109, s. 11. 1874-'5, c. 258, s. 10.

For the more speedy recovery of strays, any person may search the entry book of the ranger, first paying the ranger a fee of ten cents.

Sec. 3778. Compensation to ranger. 1874-'5, c. 258, s. 11.

The ranger shall collect all sums that may be due for any stray entered and appraised, and on all such collections he shall be entitled to receive ten per cent.

Sec. 3779. Receipts for strays delivered to owner to be given to taker-up and filed with the ranger. 1874-'5, c. 258, s. 12.

The taker-up of any stray may demand of the owner his receipt for the same, and the taker-up shall furnish the same to the ranger, and in all cases where strays have been appraised and no receipt filed for twelve months, the ranger shall sue the taker-up in the name of the state for the use of the county for two-thirds of said appraisal.

Sec. 3780. Proof of death of strays to be furnished ranger. 1874-'5, c. 258, s. 13.

In case an appraised stray die, the taker-up shall furnish the ranger the proof thereof, or be liable for two-thirds its value.

Sec. 3781. Penalties for violating provisions of this chapter. R. C., c. 109, s. 15. 1874-'5, c. 258, s. 14.

Any penalty incurred by violation of this chapter shall be recovered by the ranger or by the county treasurer, in the name of the state, for the use of the county or informer, before a justice of the peace.

CHAPTER SIXTY-ONE.

SUNDAY AND HOLIDAYS.

SECTION.

- 3782. No person to work on Sunday, under penalty of one dollar.
- 3783. Hunting on Sunday prohibited; penalty on failure to pay fine.
- 3784. Public holidays, when falling on Sunday, succeeding Monday to be deemed a public holiday; papers due on Sun-

SECTION.

- day, payable on Monday; due on Monday, payable Tuesday.
- 3785. When holiday falls on Saturday, papers due on that day, when payable.
- 3786. When holiday falls on Monday, papers due on that day, when payable.

Sec. 3782. No person to work on Sunday under penalty of one dollar. R. C., c. 115, s. 1. 1741, c. 30, s. 2.

On the Lord's day, commonly called Sunday, no tradesman, artificer, planter, laborer, or other person, shall, upon land or water, do or exercise any labor, business or work, of his ordinary calling, works of necessity and charity alone excepted, nor employ himself in hunting, fishing, or fowling, nor use any game, sport or play, upon pain that every person so offending, being of the age of fourteen years and upwards, shall forfeit and pay one dollar.

Sloan v. Williford, 3 Ired., 307; State v. Williams, 4 Ired., 400; State v. Brooksbank, 6 Ired., 73; Bland v. Whitfield, 1 Jon., 123; Melvin v. Easley, 7 Jon., 356; State v. Ricketts, 74—187; State v. White, 76—15; Branch v. R. R. Co., 77—347; State v. McGimsey, 80—377; State v. Howard, 82—623; Devries v. Summit, 86—126.

Sec. 3783. Hunting on Sunday prohibited; penalty on failure to pay fine. 1868-'9, c. 18, ss. 1, 2.

If any person shall be known to hunt on Sunday with a dog, or shall be found off his premises on Sunday, having with him a shot gun, rifle or pistol, he shall be guilty of a misdemeanor, and pay a fine not exceeding fifty dollars, two-thirds of such fine to inure to the benefit of the public schools in the county of which such convict is a resident, the remainder to the informant; and upon failure of such convict to pay the required fine, he shall be imprisoned at hard labor for not more than three months, as the court shall direct: *Provided*, that this section shall

not apply to any person who may violate its provisions in defence of his own property.

State v. Howard, 67—24.

Sec. 3784. Public holidays, when falling on Sunday, succeeding Monday to be deemed a public holiday; papers due on Sunday, payable on Monday; due on Monday, payable Tuesday. 1881, c. 294, s. 1.

The first day of January, twenty-second day of February, tenth day of May, twentieth day of May, fourth day of July, and the day appointed by the governor as a thanksgiving day, and the twenty-fifth day of December of each and every year, are declared to be public holidays; and whenever any such holiday shall fall upon Sunday, the Monday following shall be a public holiday, and papers due on such Sunday shall be payable on the Saturday preceding, and papers which would otherwise be payable on said Monday shall be payable on the Tuesday thereafter.

Sec. 3785. When holiday falls on Saturday, papers due on that day, when payable. 1881, c. 294, s. 2.

Whenever either of the above-named days falls on Saturday, the papers due on the Sunday following shall be payable on the Monday succeeding.

Sec. 3786. When holiday falls on Monday, papers due on that day, when payable. 1881, c. 294, s. 3.

Whenever either of the above-named days shall fall on Monday, the papers which should otherwise be payable on that day shall be payable on the Tuesday succeeding.

CHAPTER SIXTY-TWO.

TOWNS AND CITIES.

SECTION.

3787. Incorporated cities and towns may elect aldermen or commissioners, to be a body corporate.

3788. When and how elections held and conducted.

SECTION.

3789. Inspectors of elections; their duties.

3790. Election tied, decided by lot.

3791. Number of commissioners and

SECTION.	SECTION.
time of election may be changed.	3809. Constable's bond and power to collect taxes.
3792. On change of time of, or failure to hold, election, incumbents to hold over.	3810. Town constable authorized to serve process.
3793. Vacancy, how filled.	3811. Policemen may execute criminal process.
3794. Election of mayor or other chief officer; tie vote, how decided; term of office; vacancy; duties of mayor.	3812. Town officers refusing to qualify, liable to penalty of twenty-five dollars.
3795. Registration of qualified voters to be made.	3813. Town and city collectors to make monthly settlements.
3796. Qualification of officers.	3814. Failure of officers to settle with treasurer a misdemeanor.
3797. Municipal elections to be held on first Monday in May.	3815. Tax on dogs, how enforced.
3798. Mayor to take the prescribed oaths.	3816. Annual statement of taxes and expenditures to be published.
3799. Commissioners to take oath of office; their powers.	3817. Municipal authorities may purchase lands for cemeteries.
3800. Powers and duties of commissioners enumerated.	3818. Criminal jurisdiction of mayors same as that of justices of the peace.
3801. Markets; unlawful to tax vehicles selling farm products.	3819. Authority of the municipal court; appeals therefrom.
3802. Commissioners may abate nuisances.	3820. Violation of ordinance a misdemeanor.
3803. Streets and bridges to be kept in repair.	3821. How debts of municipal corporations shall be paid.
3804. Commissioners may enforce their by-laws by proper penalties.	3822. Municipal officers to transfer books and property to successors; penalty for failure.
3805. Baker's bread, its quality and weight regulated.	3823. Tax-lists may be corrected.
3806. Mayor authorized to enforce the collection of fines and penalties.	3824. Mayors and commissioners may sell corporate property.
3807. List of taxables to be taken by mayor; double tax, when paid; assessors of real estate.	3825. County commissioners may sell property of unincorporated towns and villages.
3808. Town constable, his oath, power and duties.	3826. Mayor authorized to make title to purchaser.
	3827. This chapter, to what places applicable; construction of the word "commissioners."

Sec. 3787. Incorporated cities and towns may elect aldermen or commissioners to be a body corporate. R. C., c. 111, s. 1.

Every incorporated town, for the better government thereof, may annually elect by ballot, not more than seven, nor less than three commissioners, who shall, they

and their successors, be a body corporate with succession during the corporate existence of the town, and shall be styled, "the commissioners of the town of ——," (the same being the name of the town of which they are commissioners).

Manly v. Raleigh, 4 Jon. Eq., 370; *Keeler v. New-Berne*, 1 Phil., 505.

Sec. 3788. When and how elections held and conducted. R. C., c. 111, s. 4. 1868-'9, c. 11.

Every election for commissioners shall be held under the inspection of such persons, not exceeding three, as the board of town commissioners may appoint; who shall advertise the election at three public places in the town, ten days before the same is held. And in case the said board shall neglect at any time to appoint inspectors, the sheriff of the county shall summon two freeholders of the town, who with him shall make such appointment. And said inspectors shall make out two statements of the election so held, and return one to the register of deeds of their county and return the other to the secretary or clerk of the town in which the election was held. And the return of every such election shall be duly recorded by said register and secretary or clerk.

Sec. 3789. Inspectors of elections; their duties. R. C., c. 111, s. 5.

The inspectors shall be sworn by some justice of the peace, as in elections for members of the general assembly, and they shall conduct the election in like manner and during the same hours of the day, as elections for members of the general assembly. And, at the close of the poll they shall declare elected such persons as have the highest number of votes; and they shall, within ten days, notify the persons elected.

Sec. 3790. Election tied, decided by lot. R. C., c. 111, s. 6.

If, among the number voted for, there should be any two or more who may have an equal number of votes, and either would be duly elected but for the equal vote, the inspectors shall determine by lot the election between them.

Sec. 3791. Number of commissioners and time of election may be changed. R. C., c. 111, s. 7.

After the first election the voters of the town may, whenever and as often as they choose, by a vote at the

time of electing commissioners, and due notice given thereof by the commissioners then in authority, alter, by a concurring majority of all the votes cast, the number of commissioners, so that the number be not more than seven nor less than three; and thenceforth the number of commissioners agreed on shall be chosen.

Sec. 3792. On change of time of, or failure to hold, election, incumbents to hold over. R. C., c. 111, s. 8.

Whenever the day of election shall be altered, the officers of the corporation elected or appointed before that day, shall hold their places till the day of election, and until other officers shall be elected or appointed and qualified. And they shall hold their offices in like manner, when there is any failure to make the annual election.

Sec. 3793. Vacancy, how filled. R. C., c. 111, s. 9.

In case of a vacancy after election, in the office of commissioner the others may fill it until the next election.

Sec. 3794. Election of mayor or other chief officer; tie vote, how decided; term of office; vacancy; duties of mayor. R. C., c. 111, s. 10.

In like manner, and at the same time when commissioners are elected, the voters may by ballot, under the inspection of the same persons and under the same rules and regulations, elect a mayor of the town; and the persons having the highest number of votes, shall be declared elected. If, among the number voted for, there should be any two or more who may have an equal number of votes, and either would be elected but for the equal vote, the election shall be determined as in the case of commissioners; and he shall be notified and hold his office for the same term as the commissioners; and in case of a vacancy in the office, the commissioners may fill the same. The mayor or other chief officer shall preside at the meetings of the commissioners, but shall have no vote except in case of a tie; and in the event of his absence or sickness, the board of commissioners may appoint one of their number, *pro tempore*, to exercise his duties.

Sec. 3795. Registration of qualified voters to be made, 1870-'1, c. 24, s. 2.

It shall be the duty of the corporate authorities of every city and town to cause a registration to be made of all the qualified voters residing therein, under the rules and

regulations prescribed for the registration of voters for general elections.

Norment v. Charlotte, 85—387.

Sec. 3796. Qualification of officers. 1870-'1, c. 24, s. 3.

No person shall be a mayor, commissioner, intendant of police, alderman or other chief officer of any city or town, unless he shall be a qualified voter therein.

Sec. 3797. Municipal elections to be held on first Monday in May. 1870-'1, c. 24, s. 6.

The time for the regular election for municipal officers in the cities, towns and incorporated villages of this state, shall be the first Monday in May in each year.

Sec. 3798. Mayor to take the prescribed oaths. R. C., c. 111, s. 11.

The mayor, before some justice of the peace, shall take the oaths prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties imposed upon him by law.

Sec. 3799. Commissioners to take oath of office; their powers. R. C., c. 111, s. 12.

The commissioners shall take an oath before some justice of the peace, that they will faithfully and impartially discharge the duties of their office. They shall have power to make such by-laws, rules and regulations for the better government of the town, as they may deem necessary: *Provided*, the same be not inconsistent with this chapter, or the laws of the land.

Sec. 3800. Powers and duties of commissioners enumerated. R. C., c. 111, s. 13. 1862, c. 51 (Consol. Acts).

Among the powers hereby conferred on them, they may, not oftener than annually, lay a tax on real and personal estate within the corporation; on such polls as are taxed by the general assembly for public purposes; on all persons, apothecaries and druggists excepted, retailing or selling liquors or wines, of the measure of a quart or less, a tax not exceeding twenty-five dollars; on all such shows and exhibitions for reward as are taxed by the general assembly; on all dogs, and on swine, horses and cattle, running at large within the town. They may also lay taxes for municipal purposes, on all persons, property, privileges and subjects within the corporate limits, which are liable to taxation for state and

county purposes. They may appoint a town constable, and such other officers and agents as may be necessary to enforce their by-laws and regulations, keep their records, and conduct their affairs; may determine the amount of their salaries or compensation; and also the compensation or salary of the mayor; may impose oaths of office upon them, and require bonds from them payable to the state, in proper penalties for the faithful discharge of their duties.

State v. Fayetteville, 2 C. L. Repos., 617; State v. Raleigh, 3 Jon., 399; Wingate v. Sluder, 6 Jon., 552; Com'rs v. Patterson, 8 Jon., 182; Wilson v. Charlotte, 74—748; Cobb v. Elizabeth City, 75—1; Holland v. Isler, 77—1; Moore v. Fayetteville, 80—154; Wilmington v. Macks, 86—88; Latta v. Williams, 87—126.

Sec. 3801. Markets; unlawful to tax vehicles selling farm products. R. C., c. 111, s. 14. 1879, c. 176.

They may establish and regulate their markets, and prescribe at what place, within the corporation, shall be sold marketable things, in what manner, whether by weight or measure, may be sold grain, meal, or flour, if the flour be not packed in barrels, fodder, hay, or oats in straw; may erect scales for the purpose of weighing the same, appoint a weigher, fix his fees, and direct by whom they shall be paid. And it shall not be lawful for the commissioners or other authorities of any town to impose any tax whatever on wagons or carts selling farm products, garden truck, fish and oysters on the public streets thereof.

Sec. 3802. Commissioners may abate nuisances. R. C., c. 111, s. 15.

They may pass laws for abating or preventing nuisances of any kind, and for preserving the health of the citizens.

Hill v. Charlotte, 72—55.

Sec. 3803. Streets and bridges to be kept in repair. R. C., c. 111, s. 15.

They shall provide for keeping in proper repair the streets and bridges in the town, in the manner and to the extent they may deem best; may cause such improvements in the town to be made as may be necessary, and may apportion the same equally among the inhabitants, by assessments of labor or otherwise, and the citizens shall not be liable to work on the public roads without the limits of the town. When they determine to repair or improve by labor, they may appoint an overseer

and compel such persons as are liable to perform duty on the public roads, to work on the streets, in the manner and under the penalties, provided for the reparation of the public roads. They may appoint a town watch or patrol, to be regulated by such rules as the commissioners may provide.

Wilmington v. Yopp, 71—76; Young v. Henderson, 76—420; State v. Fishplate, 83—654.

Sec. 3804. Commissioners may enforce their by-laws by proper penalties. R. C., c. 111, s. 16.

They may enforce their by-laws and regulations, by imposing penalties on such as violate them; and compel the performance of the duties they impose upon others, by suitable penalties.

State v. Parker, 75—249; State v. Merritt, 83—677; State v. Edens, 85—522; State v. Freeman, 86—683.

Sec. 3805. Baker's bread, its quality and weight regulated. R. C., c. 111, s. 18.

They shall have power to make all such laws and regulations as they may deem necessary to protect the citizens of the town from imposition and fraud in the manufacture, weight and sale therein of baker's bread, and to prevent fraudulent mixtures of other substances therewith; so as to insure that the bread shall be good and wholesome, and of full weight.

Sec. 3806. Mayor authorized to enforce the collection of fines and penalties. 1866-'7, c. 13.

In all cases where judgments may be entered up against any person for fines or penalties, according to the laws and ordinances of any incorporated town, and the person against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor or chief officer before whom such judgment is entered, to order and require such person, so convicted, to work on the streets or other public works, until, at fair rates of wages, such person shall have worked out the full amount of the judgment and costs of the prosecution.

Sec. 3807. List of taxables to be taken by mayor; double tax, when paid; assessors of real estate. R. C., c. 111, s. 19.

The mayor, or other suitable person, shall, by order of the commissioners, take the list of taxables in the town,

in such manner and at such time as the commissioners shall prescribe. If any person fail to list his taxables within the time prescribed by the commissioners, he shall be liable to a double tax.

Cobb v. Elizabeth City, 75—1.

Sec. 3808. Town constable, his oath, power and duties.
R. C., c. 111, s. 20.

The town constable shall, before some justice of the peace, take the oaths prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law. As a peace-officer, he shall have within the town all the powers of a constable in the county; and as a ministerial officer, he shall have the same power as a constable in the county, to execute all process that may be issued by the mayor, and to enforce the ordinances and regulations of the commissioners as they may direct.

State v. Parker, 75—249; State v. Belk, 76—10; State v. James, 78—455; State v. Freeman, 86—683.

Sec. 3809. Constable's bond and power to collect taxes.
R. C., c. 111, s. 21.

He shall have the same power to collect the taxes imposed by the commissioners, as sheriffs have to collect the taxes imposed by the county commissioners; and he may be required by the commissioners to give bond, with sufficient surety, payable to the state of North Carolina, in such sum as the commissioners may prescribe, to account for the same; upon which suit may be brought by the commissioners, as upon the bonds of other officers. The bond of the constable shall be duly proved, before the mayor and commissioners, and registered in the office of the register of deeds.

Sec. 3810. Town constables authorized to serve process.
1879, c. 266.

It shall be lawful for city and town constables to serve all civil or criminal process that may be directed to them by any court within their respective counties, under the same regulations and penalties as prescribed by law in the case of other constables.

Sec. 3811. Policemen may execute criminal process.

A policeman shall have the same authority to make arrests and to execute criminal process, within the town limits, as is vested by law in a sheriff.

State v. Freeman, 86—683.

Sec. 3812. Town officers refusing to qualify liable to penalty of twenty-five dollars. R. C., c. 111, s. 22.

Every person elected or appointed commissioner, mayor, town constable, or assessor of real estate, who, after being duly notified, shall neglect or refuse to qualify and perform the duties of his office or appointment, shall pay twenty-five dollars, one-half to the use of the town, and the other half to the use of any person who will sue for the same.

Wingate v. Sluder, 6 Jan., 552; London v. Headen, 76—72; State v. Heaton, 77—505.

Sec. 3813. Town and city collectors to make monthly settlements. 1879, c. 194, s. 1.

Each town and city constable, or any other officer authorized by any town or city to collect taxes, fines or penalties, shall make a monthly settlement, of all moneys coming into his hands, with the town treasurer or other officer authorized to receive the same.

Sec. 3814. Failure of officers to settle with treasurer a misdemeanor. 1879, c. 194, s. 2. 1881, c. 37.

Any constable or collector of taxes for any town or city, or any other officer, who shall fail to make settlement and full return of all moneys, penalties and fines coming into his hands each month with the town or city treasurer, or other officer authorized to receive the same, shall be guilty of a misdemeanor.

Sec. 3815. Tax on dogs, how enforced. R. C., c. 111, s. 24.

If any person residing in a town shall have therein any dog, and shall not return it for taxation, and shall fail to pay the tax according to law, the commissioners, at their option, may fine the person so failing double the tax, or may treat such dog as a nuisance, and order his destruction.

Mowery v. Salisbury, 82—175.

Sec. 3816. Annual statement of taxes and expenditures to be published. R. C., c. 111, s. 25.

The commissioners shall annually publish an accurate statement of the taxes levied and collected in the town, together with a statement of the amount expended by them, and for what purpose. And any board of commissioners failing to comply with this section, shall forfeit and pay one hundred dollars to any person who will sue for the same.

Sec. 3817. Municipal authorities may purchase land for cemeteries. 1870-'1, c. 38, s. 1.

It shall be lawful for the commissioners or other municipal authorities of any town or incorporated village to buy and hold either within or without such corporation as much land, not exceeding twenty-five acres, as in the opinion of such commissioners or other municipal authority may be sufficient for the purpose of a cemetery.

Sec. 3818. Criminal jurisdiction of mayors same as that of justices of the peace. 1871-'2, c. 195, s. 1. 1876-'7, c. 243, s. 1.

The mayor or chief officer of every city or incorporated town is hereby constituted an inferior court, to be called a municipal court, and as such court said mayor or chief officer shall be a magistrate and conservator of the peace, and within the corporate limits of any city or town shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the state, or under the ordinances of said city or town. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before such mayor or chief officer, and the said mayor or chief officer shall be entitled to the same fees which are allowed to justices of the peace.

State v. White, 76—15; Washington v. Hammond, 76—33; Greensboro v Shields, 78—417; State v. Merritt, 83—677.

Sec. 3819. Authority of the municipal court; appeals therefrom. 1876-'7, c. 243, s. 2.

As such court said mayor or chief officer shall have authority to hear and determine all cases that may arise upon the ordinances of said city or town; to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules that may be made and provided by the board of aldermen of said city or town, for the government and regulation of the said city or town, but in all cases any person dissatisfied with the judgment of said mayor or chief officer, may appeal to the superior court as in case of a judgment rendered by a justice of the peace.

Sec. 3820. Violation of ordinance a misdemeanor. 1871-'2, c. 195, s. 2.

Any person violating an ordinance of a city or town shall be guilty of a misdemeanor, and shall be fined not

exceeding fifty dollars, or imprisoned not exceeding thirty days.

State v. Threadgill, 76—17; Hendersonville v. McMinn, 85—532; State v. Merritt, 83—677; State v. Edens, 85—522; State v. McNinch, 87—567.

Sec. 3821. How debts of municipal corporations shall be paid. 1870-'1, c. 99, s. 1.

Debts contracted by a municipal corporation in pursuance of authority vested in it, shall not be levied out of any property belonging to such corporation and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be a member of such corporation or may have property within the limits thereof. But all such debts shall be paid alone by taxation upon subjects properly taxable by such corporation: *Provided*, that whenever any individual, by his contract, shall become bound for such debt, or any person may become liable therefor by reason of fraud, such person may be subjected to pay said debt.

Belo v. Com'rs, 76—489; Hawley v. Fayetteville, 82—22; Bank v. Statesville, 84—169.

Sec. 3822. Municipal officers to transfer books and property to successors; penalty for failure. 1870-'1, c. 177, s. 1.

All municipal officers, mayor, aldermen, commissioners or tax collector, of any town or city, who shall, on demand, fail to turn over to their successors in office the property, books, moneys, seals or effects of such town or city, shall be guilty of a misdemeanor, and imprisoned not more than five years, and fined not exceeding one thousand dollars, at the discretion of the court.

Sec. 3823. Tax list may be corrected. 1870-'1, c. 177, s. 2.

All tax lists, either county or municipal, which may be placed in the hands of any sheriff or tax collector, shall be at all times under 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 by the authorities imposing the tax, or their successors in office, shall be surrendered to the lawful authorities for such inspection or correction, and any sheriff or tax collector who shall refuse or fail to surrender his list upon such demand, shall be guilty of a

misdeemeanor, and subject to the penalties of the preceding section.

Com'rs v. R. R. Co., 86—541.

Sec. 3824. Mayor and commissioners may sell corporate property. 1872-'3, c. 112, s. 2.

The mayor and commissioners of any incorporated town shall have power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to any such town, and apply the proceeds as they may think best.

Sec. 3825. County commissioners may sell property of unincorporated towns and villages. 1872-'3, c. 112, s. 2.

In any town not incorporated, or where there is no mayor or commissioners, the board of county commissioners shall have the power given in the preceding section.

Sec. 3826. Mayor authorized to make title to purchaser. 1872-'3, c. 112, s. 3.

The mayor of any town, or the chairman of any board of commissioners, town or county, is fully authorized to make title to the purchaser of any property sold under this chapter.

Sec. 3827. This chapter, to what places applicable; construction of the word "commissioners." R. C., c. 111, s. 23.

This chapter shall apply to all incorporated cities, towns and villages, where the same shall not be inconsistent with special acts of incorporation, or special laws in reference thereto, and the word "commissioners" shall also be construed to mean "aldermen," or other municipal authorities.

Wingate v. Sluder, 6 Jon., 552.

CHAPTER SIXTY-THREE.

TRAMPS AND VAGRANTS.

SECTION.	SECTION.
3828. Going about from place to place begging; penalty; proviso.	3831. What is evidence of being a tramp.
3829. Tramp entering dwelling-house; penalty.	3832. Tramps to be arrested.
3830. Wilful injury to person or property; penalty; imprisonment not to exceed three years.	3833. Chapter not applicable to woman; or minor under fourteen years.
	3834. Vagrancy, what and how punished.

Sec. 3828. Going about from place to place begging; penalty; proviso. 1879, c. 198, s. 1.

Any person going about from place to place begging, or subsisting on charity, shall be a tramp, and punished by imprisonment in the county jail not more than six months: *Provided*, that any person who shall furnish satisfactory evidence of good character shall be discharged without cost.

Sec. 3829. Tramp entering dwelling-house; penalty. 1879, c. 198, s. 2.

Any tramp who shall enter any dwelling-house or kindle any fire on the highway or on the land of another without the consent of the owner or occupant thereof, or shall be found carrying any fire-arms or other dangerous weapon, or shall threaten to do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment at the discretion of the court, not to exceed twelve months.

Sec. 3830. Wilful injury to person or property; penalty; imprisonment not to exceed three years. 1879, c. 198, s. 3.

Any tramp who shall wilfully and maliciously do any injury to any person or to the real or personal estate of another, shall be punished by imprisonment at the discretion of the court, not to exceed three years.

Sec. 3831. What is evidence of being a tramp. 1879, c. 198, s. 4.

Any act of begging or vagrancy by any person, unless

a well known object of charity, shall be evidence that the person committing the same is a tramp.

Sec. 3832. Tramps to be arrested. 1879, c. 198, s. 5.

Any person upon a view of any offence described in this chapter shall cause the said offender to be arrested upon a warrant and taken before some justice of the peace, or may apprehend the offender and take him before a justice of the peace, for examination, and, on his conviction, shall be entitled to the same fee as a sheriff.

Sec. 3833. Chapter not applicable to woman; or minor under fourteen years. 1879, c. 198, s. 6.

This chapter shall not apply to any woman; or minor under the age of fourteen years; nor to any blind person.

Sec. 3834. Vagrancy, what and how punished. R. C., c. 34, s. 43. 1840, c. 61. 1866, c. 42. 1873-'4, c. 176, s. 12. 1879, c. 198.

Any person who may be able to labor and who has no apparent means of subsistence, and neglects to apply himself to some honest occupation for the support of himself and his family; or, if any person shall be found spending his time in dissipation, or gaming, or sauntering about without employment, or endeavoring to maintain himself or his family by any undue or unlawful means, such person shall be a vagrant, and guilty of a misdemeanor, and punished by a fine not to exceed fifty dollars or by imprisonment not to exceed thirty days; and the offence shall be cognizable before a justice of the peace, who may release the party on his giving a recognizance, with or without security, for his industrious and peaceable deportment for one year or less from the date thereof, or may also impose on him a punishment not to exceed that above mentioned.

State v. Custer, 65—339.

CHAPTER SIXTY-FOUR.

USURY.

SECTION.

3835. Six per cent. the legal rate of interest; proviso.

3836. Charging a greater rate of in-

SECTION

terest than allowed by law a forfeiture of the entire interest; proviso.

Sec. 3835. Six per cent. the legal interest; proviso. 1876-'7, c. 91, s. 2.

The legal rate of interest shall be six per cent. *per annum* for such time as interest may accrue, and no more: *Provided*, that upon special contract in writing, signed by the party to be charged therewith, or by his agent, so great a rate as eight per cent. may be allowed.

Sec. 3836. Charging a greater rate of interest than allowed by law a forfeiture of the entire interest; proviso. 1876-'7, c. 91, s. 3.

The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done shall be deemed a forfeiture of the entire interest which the note, or other evidence of debt, carries with it, or which has been agreed to be paid thereon; and in case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representative, may recover back, in an action in the nature of an action of debt twice the amount of interest paid: *Provided*, such action shall be commenced within two years from the time the usurious transaction occurred.

Ballinger v. Edwards, 4 Ired. Eq., 449; Houston v. Potts, 65—41; Pond v. Horne, 65—84; Coor v. Spicer, 65—401; Bledsoe v. Nixon, 69—89; Little v. Anderson, 71—190; Simonton v. Lanier, 71—498; Merchant's Bank v. Myers, 74—514; Coble v. Shoffner, 75—42; Mills v. B. and L. Asso., 75—292; Beard v. Bingham, 76—285; Cox v. Brookshire, 76—314; Latham v. B. and L. Asso., 77—145; Purnell v. Vaughan, 77—268; Com'rs v. R. R. Co., 77—289; Hanner v. B. and L. Asso., 78—188; Long v. Bank, 81—41; Kidder v. McIlhenny, 81—123; Bank v. Lutterloh, 81—142; Grant v. Morris, 81—150; Purnell v. Vaughan, 82—134; Dail v. Harper, 83—4; Cobb v. Morgan, 83—211; Bank v. Lineberger, 83—454; Moore v. Woodward, 83—531; Oldham v. Bank, 85—240.

CHAPTER SIXTY-FIVE.

WEIGHTS AND MEASURES.

SECTION.	SECTION.
3837. Weights and measures to be used.	3843. Acre of land, of what measure to be.
3838. Standard weights and measures to be provided by board of county commissioners.	3844. To appoint a standard keeper; in case of vacancy, keeper of capitol to be <i>ex officio</i> keeper of weights and measures.
3839. Keeper of weights and measures under direction of governor, to furnish to counties at prime cost weights and measures in preceding section; to contract for manufacture of plain sealed weights and measures; proviso.	3845. Compensation of standard keeper.
3840. Standard keeper appointed; his oath and bond.	3846. Standard keeper shall supply counties.
3841. Weights and measures to be tried by standard keeper, once in two years, and certificate given; penalty for not having them examined.	3847. Standard keeper to keep record.
3842. For selling or buying by, when not branded or marked.	3848. Standard keeper shall destroy balances that cannot be adjusted.
	3849. Thirty pounds of cotton seed to constitute one bushel; proviso.
	3850. Weight of bushel of grain; penalty for taking greater weight.

Sec. 3837. Weights and measures to be used. R. C., c. 117, s. 1. 1741, c. 32, s. 2. 1866-'7, c. 125.

No trader or other person shall buy or sell, or otherwise use in trading, any other weights and measures than are made and used according to the standard prescribed by the congress of the United States: *Provided*, that this chapter shall not prevent the citizens of the state from buying and selling grain by measure as may be agreed upon between the parties.

Sec. 3838. Standard weights and measures to be provided by board of county commissioners. 1866-'7, c. 126. 1881, c. 199, s. 1.

The board of commissioners of each county shall, at the charge of their county, procure standard sealed weights of half hundred, quarter hundred, ten pounds, five pounds, two pounds and one pound, one-half pound,

one-quarter pound, two ounces, one ounce, one-half ounce, gauging rod and waist sticks; yard stick, half bushel, peck, half peck, quarter peck, and one-eighth peck; gallon, half gallon, quart, pint, half pint, and gill measure, of the United States standard, sealed and branded "N. C."

Sec. 3839. Keeper of weights and measures under direction of governor, to furnish to counties at prime cost, weights and measures in preceding section; to contract for manufacture of plain sealed weights and measures; proviso. 1881, c. 199, s. 2.

It shall be the duty of the keeper of weights and measures under the direction of the governor, to procure and furnish, at prime cost, to any of the counties, upon an order of the board of county commissioners, any of the weights and measures mentioned in the preceding section, and he is hereby authorized, by and with the approval of the governor, to contract for the manufacture of plain, sealed weights substantially made of iron, steel or brass, as the county ordering may direct; yard stick made of substantial wood, each end neatly covered with metal, sealed, marked and stamped "N. C.;" half bushel, peck, half peck, quarter peck, and one-eighth peck, made of substantial, well seasoned wood, with secure metallic binding and casing; gallon, half gallon, quart, pint, half pint, and gill measure, made of light sheet copper with iron handles: *Provided*, the keeper of weights and measures shall procure and furnish as herein provided to the board of commissioners of any county ordering the same, dry and liquid sealed measures and yard stick made of brass or copper.

Sec. 3840. Standard keeper appointed; his oath and bond. R. C., c. 117, s. 4. 1741, c. 32, s. 3. 1816, c. 901, s. 2. 1827, c. 22, s. 3. 1883, c. 393.

The weights and measures, stamps and brands thus provided, shall be kept at the court house of the respective counties by a standard keeper, to be elected by the board of commissioners for the term of two years; and the person thus elected shall, before the board of county commissioners, take the oaths required for public officers and also an oath of office, and shall give bond, with good and sufficient surety, payable to the state of North Carolina, in the sum of two hundred dollars, conditioned for the safe keeping of weights and measures, stamps and brands aforesaid, and for the faithful performance of the duties of his office.

Sec. 3841. Weights and measures to be tried by standard keeper once in two years, and certificates given; penalty for not having them examined. R. C., c. 117, s. 5. 1741, c. 32, ss. 4, 5. 1818, c. 965, s. 1. 1823, c. 1262. 1867, c. 126, s. 3.

Every person using weights or measures shall bring all his weights and measures and steelyards, embracing balances and other instruments used in weighing, to the standard keeper of the county, where such person shall reside or trade, to be there tried by the standard; and every trader or dealer by profession, and every miller, at least once in every two years thereafter, shall cause their weights, measures, steelyards, balances and other instruments used in weighing, to be examined and adjusted by the standard keeper of the county in which such weights and measures are used; and the standard keeper, when practicable, shall mark, by stamp or brand, the weights, measures, steelyards, balances and other instruments used in weighing found or made to agree with the standard, and shall give a certificate of such examination and adjustment, stating the weights, measures, steelyards, balances and other instruments used in weighing by him examined and adjusted; and every person using, buying or selling by weights and measures, who shall neglect to comply with the requisites of this section, shall forfeit fifty dollars, to be recovered at the instance of the standard keeper; one-half to his use and the other half to the use of the county wherein the offence is committed.

Sec. 3842. For selling or buying by, when not branded or not stamped. R. C., c. 117, s. 6. 34 Edw. III., c. 5. 1741, c. 32, s. 1. 1797, c. 160, s. 1.

If any person shall buy, sell, or barter by any weight or measure which shall not be tried by the standard, and sealed or stamped as aforesaid, he shall, for every such offence, forfeit and pay forty dollars; and if any person shall sell and deliver by less measure than the standard, he shall forfeit and pay for each offence forty dollars to the person suing therefor.

Sec. 3843. Acre of land, of what measure to be. R. C., c. 117, s. 7. 33 Edw. I., stat. 6.

The measure of an acre of land shall be equal to a rectangle of sixteen poles or perches in length and ten in breadth, and shall contain one hundred and sixty square perches or poles, or four thousand eight hundred and forty square yards; six hundred and forty such acres being contained in a square mile.

Sec. 3844. To appoint a standard keeper; in case of vacancy, keeper of capitol to be *ex officio* keeper of weights and measures. 1867, res., p. 228. 1881, c. 199, s. 3.

The governor is further authorized to appoint a suitable person to take care of such balances, weights and measures, and perform the duties relating to weights and measures, now imposed on the governor, and such other duties as the governor may prescribe, touching said balances and weights and measures; and he shall take from such person a bond with surety, to be approved by the governor, in the penal sum of five hundred dollars for the safe keeping of said weights and measures, and for the performance of all his duties. And in case the governor fails to appoint, or the person appointed fails to qualify or discharge said duties, the keeper of the capitol shall be *ex officio* keeper of weights and measures, and discharge the duties and receive the compensation provided.

Sec. 3845. Compensation of standard keeper. 1867, res., p. 228. 1881, c. 199, s. 4. 1883, c. 71.

The state standard keeper shall be allowed such compensation for his services as the governor shall deem adequate, not exceeding one hundred dollars a year, to be paid quarterly, on the warrant of the auditor.

Sec. 3846. Standard keeper shall supply counties. 1867, c. 126, s. 1.

It shall be the duty of the state standard keeper to supply to each county, which shall call for the same, such standard weights as the standard keeper of such county shall demand, duly sealed, such county paying to the state treasurer the actual costs of such weights, upon the certificate of the state standard keeper

Sec. 3847. Standard keeper to keep record. 1867, c. 126, s. 2.

It shall be the duty of the state standard keeper to keep a book, in which he shall keep an accurate account of all the weights and measures by him delivered, and the expenses incurred by him in the purchase of such weights and measures, subject to the inspection of the state treasurer and the general assembly.

Sec. 3848. Standard keeper shall destroy balances that cannot be adjusted. 1867, c. 126, s. 4.

In every instance where the standard keeper shall have

before him for adjustment, or shall find in the possession of any person, intending to use the same, any weight or measure that cannot be adjusted so as to meet the requirements of the law, it shall be the duty of the standard keeper to destroy the same.

Sec. 3849. Thirty pounds of cotton seed to constitute one bushel; proviso. 1881, c. 19.

Thirty pounds of cotton seed by the standard weight shall constitute one bushel: *Provided*, this section shall not prevent the citizens of this state from buying and selling cotton seed by measure as may be agreed upon between the parties.

Sec. 3850. Weight of bushel of grain; penalty for taking greater weight. 1856-'7, c. 38, ss. 1, 2.

The bushel of wheat shall be sixty pounds; of rice, forty-four pounds; of rye, fifty-six pounds; of Indian corn, fifty-four pounds; of buckwheat, fifty pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax seed, fifty-five pounds; of clover seed, sixty-four pounds; of peas, fifty pounds; of corn meal, forty-six pounds; and if any person shall take any greater quantity by weight for one bushel of the several articles mentioned in this section, than the weight prescribed, he shall forfeit and pay the sum of twenty dollars to any person who may sue for the same.

CHAPTER SIXTY-SIX.

WRECKS.

SECTION.

3851. Wreck districts in certain counties, how laid off.
3852. Commissioner of wrecks appointed by governor; his bond and oath.
3853. To reside in the district; not to be pilot or officer under United States.
3854. Their duty when ships in danger; salvors to be paid;

SECTION.

- amount ascertained by referees, if parties disagree; superior court may examine award.
3855. Commissioners to take charge of, sell, &c., wrecked property; to render account of sales; compensation.
3856. Sales advertised, how long and where; how to proceed

SECTION.	SECTION.
when property is damaging.	3860. Finders, concealing stranded goods, guilty of larceny.
3857. Commissioner not to take salvage; no person to interfere with his rights.	3861. Embezzlers, or receivers of such goods, punished as for larceny, &c.
3858. Proceedings when there is a wreck and no person claiming; goods sold and proceeds sent to superior court; if not claimed in one year to belong to state treasury.	3862. Penalty on commissioners for abuse of trust.
3859. Finders of wrecked property to notify commissioner; penalty for concealing it.	3863. On persons refusing to aid in saving vessels, &c.; summons proved by him.
	3864. Finder of wrecked property at sea, to deliver it to commissioner.
	3865. Penalty on commissioner for violation of this chapter.

Sec. 3851. Wreck districts in certain counties, how laid off. R. C., c. 120, s. 1. 1817, c. 953. 1818, c. 975. 1831, c. 47. 1834, c. 28. 1844, c. 58, ss. 1, 7. 1860-'1, c. 49. 1869-'70, c. 133, s. 1. 1874-'5, c. 226. 1881, c. 260.

The counties of Dare, Currituck, Carteret, Onslow, New Hanover, Brunswick and Hyde are divided into the following wreck districts, namely: First district to extend from the dividing lines of Currituck and Dare counties southward to the north point of Oregon inlet. Second district to extend from the north point of Oregon inlet to the south point of New inlet. Third district to extend from the south point of New inlet to the south Ground hill. Fourth district to extend from the south Ground hill to Long Point. Fifth district to extend from Long Point to Crecil's hill. Sixth district to extend from Crecil's hill to the dividing line of Dare and Hyde counties. The county of Currituck into three districts: the first from the Virginia line to Judy's Cove; the second from Judy's Cove to Josephus Baum's fish house; the third from Josephus Baum's fish house to the county line of Dare. The county of Carteret into five districts: the first from the Hyde county line to Ocracoke inlet; the second from Ocracoke inlet to a due south-east line drawn from Harbor island to the sea; the third from said line to a due south-east line drawn from Shell point, on Harker's island, to the sea; the fourth from the last-mentioned line to Old Topsail inlet; the fifth from Old Topsail inlet to the Onslow county line. The county of Onslow into two districts: the first from Bogue inlet to New River inlet; the second from New River inlet to the New

Hanover line. The county of New Hanover into two districts: the first from the Onslow county line to Deep inlet; the second from Deep inlet to the Brunswick county line. The county of Brunswick into two districts: the first from New inlet to Lockwood's Folly; the second from Lockwood's Folly to the South Carolina line. And the county of Hyde shall be divided into two districts, beginning and bounded as follows: the first beginning at Dare county line and running thence to the eastern point of the Great swash; the second beginning at the said eastern point of the Great swash and running to the Carteret county line.

Sec. 3852. Commissioner of wrecks appointed by governor; his bond and oath. 1868, c. 18, s. 1. 1881, c. 99. 1881, c. 310.

The governor shall, whenever it may be necessary, appoint a commissioner of wrecks for each district, who shall hold his office for two years from the date of appointment, enter into bond with good surety in the sum of four thousand dollars, payable to the state of North Carolina, and conditioned for the faithful performance of his duties as commissioner of wrecks, which bond shall be deposited in the office of the clerk of the superior court for safe keeping, and may be sued upon by any person aggrieved by the neglect or misconduct of such commissioner. Before entering on the duties of his office the commissioner shall, before the clerk of the superior court, or any officer qualified to administer an oath, take the prescribed oath.

Sec. 3853. To reside in district; not to be pilot or officer under the United States. R. C., c. 120, s. 3. 1817, c. 953. 1801, c. 599. 1805, c. 689, s. 2. 1828, c. 18. 1833, c. 17. 1834, c. 28. 1869-'70, c. 104, s. 1.

Each commissioner shall reside in the district for which he is appointed, unless separated by navigable waters, and then at a distance not exceeding three miles from such district; and no person who shall hold any office or deputation under the United States, or who is a pilot, shall act as a commissioner of wrecks: *Provided*, that the restriction herein imposed as to the distance of the residence of the commissioner from the district for which he is appointed shall not apply to Hyde county.

Sec. 3854. Their duty when vessels in danger; salvors to be paid; sum ascertained by referees if parties disagree; superior court may examine award. R. C., c. 120, s. 4. 1801, c. 599, s. 1. 1827, c. 21. 1844, c. 58, s. 3.

Any commissioner, on earliest intelligence given, that any ship or other vessel is stranded, or in danger of being stranded, shall command any sheriff or constable nearest the coast where such ship or other vessel shall be, to summon as many men as shall be thought necessary to the assistance of such ship or vessel, who shall be under the direction of the master or owner; and all persons, except commissioners, who shall assist in preserving any ship or other vessel in distress, or their cargoes, shall, within forty days, be paid a reasonable reward by the commander or owner of the ship or vessel in distress, or by the merchant whose vessel or goods shall be saved; and, in default thereof, the vessel or goods shall remain in the custody of the commissioners or salvors until all reasonable charges be paid, or security given for that purpose to the satisfaction of the parties; and in case the parties shall disagree touching the amount of reward to be paid to the persons employed, the commander of the vessel saved, or the owner of the goods, or merchant interested, or his agent, shall choose one indifferent person, and also the salvors shall nominate one other, who shall adjust and ascertain the same; and if the persons thus chosen cannot agree, they shall choose one other indifferent person as umpire to decide between them; and if such adjustment shall be unsatisfactory to either party, he shall declare his dissent, and thereupon the said award shall be returned to the next superior court of the county where the same was made, and the court may cause the same to be re-examined, and pronounce such judgment thereon as it may deem just; and in the meantime, the commissioner of wrecks shall retain in his hands, in order to satisfy said judgment, the amount awarded by the referees or umpire.

Sec. 3855. Commissioner to take charge of, sell, &c., wrecked property; to render account of sales; compensation. R. C., c. 120, s. 5. 1805, c. 689, s. 1. 1844, c. 58, s. 4.

The commissioner shall be the only proper person to take charge of, advertise, or sell, any vessel, cargo, or other wrecked property that may be stranded or cast on shore in his district: *Provided*, that the captain, owner,

merchant, or consignee, or his agent, may, during the absence of the commissioner, or if he refuse to act, take charge of, or sell or remove such vessel, cargo or other wrecked property; and each commissioner shall provide himself with books, and shall record in them all such sales by him made; and every commissioner shall receive for selling any wrecked property, five per cent. on the amount of sales; and in case of the removal of any wrecked property by the owner, merchant, consignee or his agent, from the custody of any commissioner, without a sale, then such commissioner shall receive two and a half per cent. on the amount of the value of such property so removed, which amount shall be ascertained in the same manner as the amount of the reward to be paid to the salvors as provided in the preceding section.

Etheridge v. Jones, 8 Ired., 100; *Hetfield v. Baum*, 13 Ired., 394.

Sec. 3856. Sale advertised, how long and when, provisos; how to proceed when property is damaging. 1856-'7, c. 42. 1868, c. 18, s. 2.

When a commissioner shall undertake to sell any wrecked or stranded property, he shall advertise the sale thereof, not less than twenty nor exceeding thirty days, at the court house door, and at other public places in three townships in his county, and should said property be adjudged above the value of one thousand dollars, he shall advertise the same in some newspaper, if any, and at one other public place of the towns in the judicial district of which his county forms part: *Provided*, that the commissioners of the first, second, third and fourth wreck districts in the county of Currituck may advertise when practicable in some newspaper published in Norfolk, Virginia, in cases where they are required to advertise in a newspaper: *Provided further*, that in case the property is in a damaged state, the commissioner may appoint two disinterested merchants to survey the same, and upon their recommendation may sell, by advertising for ten days; and the commissioner shall pay the merchants so appointed a reasonable compensation, to be retained by him out of the proceeds of the sale. And if any portion of the damaged cargo be grain or provisions may sell by advertising five days, if the sale be ordered by two disinterested merchants, and they shall be paid for their services from the amount of said sales by the wreck-masters.

Sec. 3857. Commissioner not to take salvage; no person to interfere with his rights. R. C., c. 120, s. 7. 1844, c. 58, s. 5.

No commissioner shall, in any case, be entitled to salvage on property saved; and for the discharge of all the duties which may be imposed on him, he shall be entitled to receive only the commissions allowed by this chapter. And any person who shall interfere with the rights and privileges of any commissioner, shall be liable to him for such damages as he shall sustain by reason of such interference: *Provided*, that the commissioner, when such person may have been employed in his absence, or in case of his refusal to act, shall tender to the person thus engaged a reasonable compensation for the trouble and expense the person thus employed may have incurred.

Sec. 3858. When there is a wreck and no person claiming, what to be done; goods sold and proceeds sent to superior court; if not claimed in one year to belong to state treasurer. R. C., c. 120, s. 8. 1801, c. 599, s. 4. 1868, c. 18, s. 3.

If any vessel or other property be cast ashore, within the limits of any district, no person being present to claim the same as owner, the commissioner of such district shall take possession thereof, and cause a true description of the marks, numbers, and kinds of such goods to be advertised in one or more public newspapers for the space of eight weeks; and if no person shall claim the same within twelve months, public sale shall be made thereof, but if perishable, the goods shall be sold after being advertised as hereinbefore directed; and after commissions and all reasonable charges are deducted, the residue of the money, with an account of the whole, he shall transmit to the clerk of the superior court of the county in which such vessel may be stranded or goods saved, and the clerk shall make a record and keep an account of the same, for the benefit of the owner, who, upon proof of his property, to the satisfaction of the commissioner associated with two justices, shall, by their warrant or order, receive the same, paying to the clerk of said court one per cent. for his trouble; and should no person claim the same within a year and a day from the date of the advertisement, then the clerk, holding such money, shall transmit the same, after deducting one per cent. for his trouble, to the treasurer of the state, for the use of the state.

Sec. 3859. Finders of wrecked property to notify commissioner; penalty for concealing it. R. C., c. 120, s. 9. 1801, c. 599, s. 5.

When any person shall find any stranded property on or near the sea-shore, and no owner appears to claim the same, he shall, as soon as possible after saving it, give information to the nearest commissioner of wrecks, and to him deliver the same, for which he shall be entitled to his reasonable salvage, to be ascertained in manner before directed; and should any person finding stranded goods or other property as aforesaid, conceal them, or convert the same to his own use, or fail, for ten days thereafter, to give information thereof to the nearest commissioner of wrecks for his county, he shall pay to the commissioner, discovering the same, five times the value of such property, to be recovered before any court having jurisdiction.

Sec. 3860. Finders, concealing stranded goods, guilty of larceny. R. C., c. 120, s. 10. 1801, c. 599, s. 6.

If any person shall find any stranded goods or property on or near the sea-shore, and shall, secretly, or without notice of such finding given to the commissioner, take the same into his possession with the intent to defraud the owner or other person of the said property, or any interest therein; or if, having taken possession of such goods or property, without such intent, he shall afterwards, with such fraudulent intent conceal the same, or fail to give notice to the commissioner, he shall be deemed to have stolen the same goods or other property; and the said goods and property shall be deemed and held, as to all persons and for all purposes, to have been stolen.

Sec. 3861. Embezzlers or receivers of goods punished as for larceny, &c. R. C., c. 120, s. 11. 1801, c. 599, s. 6.

If any person shall embezzle, steal, or receive, knowing the same to have been embezzled or stolen, any such goods or property, he shall forfeit five times the value of the same to the commissioner; and on conviction thereof shall suffer as if convicted of larceny.

Sec. 3862. Penalty on commissioners for abuse of trust. R. C., c. 120, s. 12. 1801, c. 599, s. 7.

If any commissioner, by fraud or wilful neglect, abuse the trust reposed in him, he shall forfeit and pay treble

damages to the party aggrieved thereby, to be recovered by action; and shall thereafter be incapable of acting as a commissioner.

Sec. 3863. Persons refusing to aid in saving vessels, &c.; summons proved by commissioner. R. C., c. 120, s. 13. 1801, c. 599, s. 7.

If any sheriff, constable or other person, summoned as hereinbefore provided, shall refuse or neglect to give the assistance required for saving any vessel or her cargo, he shall forfeit and pay the sum of ten dollars to the commissioner ordering such duty. And such commissioner, on trial for the recovery of the same, may, by his own oath, prove the summons of such person.

Sec. 3864. Finder of wrecked property at sea, to deliver it to commissioner. R. C., c. 120, s. 14. 1828, c. 18, s. 3.

Whenever any property shall be found on board any vessel at sea, which has been wrecked, or has been abandoned by the crew, and the property is afterwards brought into the state, the person in whose possession the same may be, shall deliver it to the commissioner of wrecks of the district into which said property may be brought, to be disposed of as stranded property.

Sec. 3865. Penalty for violation of law. 1868, c. 18, s. 4.

Any commissioner of wrecks who shall wilfully violate this chapter shall, on conviction, forfeit and pay a fine not less than one hundred dollars nor more than two thousand dollars, and be imprisoned for not less than thirty days nor more than two years, at the discretion of the court.

CHAPTER SIXTY-SEVEN.

CONCERNING THE CODE.

SECTION.	SECTION.
3866. When the Code to take effect.	3873. What acts not repealed.
3867. Public statutes not contained in the Code to be repealed.	3874. Compensation of the commissioners.
3868. Repeal not to affect rights accrued, or suits commenced.	3875. The Code published in two volumes; chapters how arranged.
3869. Offences and penalties not affected.	3876. The Code, how construed.
3870. Pending suits or prosecutions not affected.	3877. The Code, as published, to be conclusive evidence of the law.
3871. Acts heretofore repealed not affected.	3878. Number of copies published; copyright secured; expense of preparing, &c., how paid.
3872. Effect of repeal on persons holding offices.	

Sec. 3866. When Code to take effect.

All the provisions, chapters and sections contained in this Code shall be in force from and after the first day of November, in the year of our Lord one thousand eight hundred and eighty-three, except only such parts thereof, as to which a different provision is expressly made therein.

Sec. 3867. Public statutes not contained in the Code repealed.

All public and general statutes not contained in this Code are hereby repealed, with the exceptions and limitations hereinafter mentioned.

Sec. 3868. Repeal not to affect rights accrued or suits commenced.

The repeal of the statutes mentioned in the preceding section shall not affect any act done, or any right accruing, or accrued or established, or any suit or proceeding had or commenced in any case before the time when such repeal shall take effect; but the proceedings in every such case shall be conformed, when necessary, to the provisions of this Code.

Sec. 3869. Offences and penalties not affected.

No offence committed, and no penalties or forfeitures incurred, under any of the statutes hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of this Code, such provisions shall be extended and applied to any judgment to be pronounced after the repeal.

Sec. 3870. Pending suits or prosecutions not affected.

No suit or prosecution pending at the time of the repeal, for any offence committed, or for the recovery of any penalty, or forfeiture incurred, under any of the statutes hereby repealed, shall be affected by such repeal, except that the proceedings in such suit or prosecution shall be conformed, when necessary, to the provisions of this Code.

Sec. 3871. Acts heretofore repealed not affected.

No statute, or law, which has heretofore been repealed, shall be revived by the repeal contained in any of the sections of this Code.

Sec. 3872. Effect of repeal on persons holding offices.

All persons who shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof.

Sec. 3873. What acts not repealed.

No act of a private or local nature; no act relating to fisheries in any particular section of the state; no act relating to the boundaries of the state, or any county; no act ceding the lands of this state to the general government; no act or resolution for the relief of disabled confederate soldiers; and no act relative to the corporate powers of the trustees of the university shall be construed to be repealed by any section of this Code.

Sec. 3874. Compensation of the commissioners.

The Code shall be published as speedily as practicable; and, when completed and delivered to the order of the governor, the commissioners and their clerk shall receive such compensation as to the governor shall seem just and reasonable, to be paid by the state treasurer upon his warrant.

Sec. 3875. The Code published in two volumes ; chapters how arranged. 1883, c. 191, s. 3.

The Code shall be published in two volumes. The several chapters thereof shall be arranged and inserted in either volume according to the judgment and in the discretion of the commissioners. The commissioners shall prepare separate indexes for each volume, and they may insert in the Code such portions of the revenue acts of the session of the general assembly of the year one thousand eight hundred and eighty-three, as shall be deemed expedient.

Sec. 3876. The Code, how construed. 1883, c. 191, s. 6.

The Code, and the acts of the session of the general assembly of the year one thousand eight hundred and eighty-three to be included in it, shall be construed as one act, and as if enacted on the same day, without regard to the actual date of the ratification of the Code, and of said acts so made a part thereof. But all general acts of the said session shall be in force from the dates expressed in said acts, notwithstanding the Code will not be in force until the first day of November, in the year one thousand eight hundred and eighty-three.

Sec. 3877. The Code, as published, to be conclusive evidence of the law. 1883, c. 191, s. 8.

The printed volumes of the Code, as published under the direction of the commissioners, shall be received as conclusive evidence of the law by all courts, judges and officers.

Sec. 3878. Number of copies published; copyright secured; expense of preparing, &c., how paid. 1883, c. 191, s. 9.

There shall be published of the Code not exceeding ten thousand copies of each volume, the copyright whereof shall be secured to the state by the commissioners and the expense of preparing, printing, supervising, publishing and binding said copies shall be paid by the treasurer on the warrant of the auditor, founded on requisitions made from time to time by the chairman of the commissioners.

In the general assembly, read three several times in each house thereof, having passed three several readings,

on three different days, in either house; the yeas and nays on the second and third readings having been entered on the journals of the senate and of the house of representatives, respectively, and ratified as a law on the 2d day of March, A. D. 1883.

APPENDIX.

CONSTITUTION OF THE UNITED STATES—1787.*

We THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Chisholm v. Georgia, 2 Dall., 419; McCulloch v. State of Maryland, 4 Wh., 316; Brown v. Maryland, 12 Wh., 419; Barron v. The Mayor and City Council of Baltimore, 7 Pet., 243; Lane County v. Oregon, 7 Wall., 71; Texas v. White et al., 7 Wall., 700.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Hayburn's case (notes), 2 Dall., 409.

SECTION 2. ¹The House of Representatives shall be composed of Members chosen every second Year by the

*In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report (drawn by Mr. Hamilton, of New York) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation

People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

² No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

³ * [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first

of the United States; to devise such further provisions as should appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th day of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that South Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the constitution January 10, 1789, and was, by an act of Congress approved February 19, 1791, "received and admitted into this Union as a new and entire member of the United States"

* The clause included in brackets is amended by the 14th amendment, 2d section.

Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five and Georgia three.

Veazie Bank v. Fenno, 8 Wall., 533; *Scholey v. Rew*, 23 Wall., 331; *Springer v. United States*, 102 U. S., 586.

⁴ When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

⁵ The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. ¹ The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

² Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

³ No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

⁴ The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

⁵ The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice Presi-

dent, or when he shall exercise the Office of President of the United States.

⁶The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

⁷Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. ¹The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Ex parte Siebold, 100 U. S., 371; *ex parte Clarke*, 100 U. S., 399.

²The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different day.

SECTION. 5. ¹Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a quorum to do business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

²Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Anderson v. Dunn, 6 Wh., 204.

³Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

⁴Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. ¹The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Cox v. M'Clenachan, 3 Dall., 478.

²No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. ¹All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

²Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

³Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by

him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. ¹The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Hylton v. United States, 3 Dall., 171; *McCulloch v. State of Maryland*, 4 Wh., 316; *Longboro' v. Blake*, 5 Wh., 317; *Osborn v. United States Bank*, 9 Wh., 738; *Weston et al. v. City Council of Charlestown*, 2 Pet., 449; *Dobbins v. The Commissioners of Erie Connty*, 16 Pet., 435; License Cases, 5 How., 504; *Cooley v. Board of Wardens of Port of Philadelphia et al.*, 12 How., 299; *McGuire v. The Commonwealth*, 3 Wall., 387; *Van Allen v. The Assessors*, 3 Wall., 573; *Bradley v. The People*, 4 Wall., 459.

License Tax Cases, 5 Wall., 462; *Penear v. The Commonwealth*, 5 Wall., 475; *Woodruff v. Farham*, 8 Wall., 123; *Hinson v. Lott*, 8 Wall., 148; *Veazie Bank v. Fenno*, 8 Wall., 533; *The Collector v. Day*, 11 Wall., 113; *United States v. Singer*, 15 Wall., 111; State tax on foreign-held bonds, 15 Wall., 300; *United States v. Railroad Company*, 17 Wall., 322; *Railroad Company v. Peniston*, 18 Wall., 5; *Scholay v. Rew*, 23 Wall. 381; *Cook v. Penna.*, 97 U. S., 566; *Guy v. Balt.*, 100 U. S., 434; *Kirtland v. Hotchkiss*, 100 U. S., 491; *Mobile v. Kimball*, 102 U. S., 691; *State v. Hoskins*, 77 N. C., 530.

³To borrow Money on the credit of the United States;

McCulloch v. The State of Maryland, 4 Wh., 316; *Weston et al. v. The City Council of Charlestown*, 2 Pet., 449; *Bank of Commerce v. New York City*, 2 Black, 620; Bank Tax Cases, 2 Wall., 200; *The Banks v. The Mayor*, 7 Wall., 16; *Bank v. Supervisors*, 7 Wall., 26; *Hepburn v. Griswold*, 8 Wall., 603; *National Bank v. Commonwealth*, 9 Wall., 353; *Parker v. Davis*, 12 Wall., 457.

³To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Gibbons v. Ogden, 9 Wh., 1; *Brown et al. v. State of Maryland*, 12 Wh., 419; *Wilson et al. v. Black Bird Creek Marsh Company*, 2 Pet., 245; *Worcester v. The State of Georgia*, 6 Pet., 515; *City of New York v. Miln*, 11 Pet., 102; *United States v. Coombs*, 12 Pet., 72; *Holmes v. Jennison et al.*, 14 Pet., 504; License Cases, 5 How., 501; Passenger Cases, 7 How., 283; *Nathan v. Louisiana*, 8 How., 73; *Mager v. Grima et al.*, 8 How., 490; *United States v. Marigold*, 9 How., 560; *Cowley v. Board of Wardens of Port of Philadelphia*, 12 How., 299; *The Propeller Genesee Chief et al. v. Fitzhugh et al.*, 12 How., 443; *State of Pennsylvania v. The Wheeling Bridge Company*, 13 How., 518; *Veazie et al. v. Moor*, 14 How., 568; *Smith v. State of Maryland*, 18 How., 71; *State of Pennsylvania v. The Wheeling and Belmont Bridge Company et al.*, 18 How., 421; *Siunitt v. Davenport*, 22 How., 227; *Foster et al. v. Davenport et al.*, 22 How., 244; *Conway et al. v. Tay-*

lor's ex., 1 Black, 603; United States v. Holliday, 3 Wall., 407; Gilman v. Philadelphia, 3 Wall., 713; The Passaic Bridges, 3 Wall., 783; Steamship Company v. Port Wardens, 6 Wall., 31; Crandall v. State of Nevada, 6 Wall., 35; White's Bank v. Smith, 7 Wall, 646; Waring v. The Mayor, 8 Wall., 110; Paul v. Virginia, 8 Wall., 168; Thomson v. Pacific Railroad, 9 Wall., 579; Downham *et al.* v. Alexandria Council, 10 Wall., 173; The Clinton Bridge, 10 Wall., 454; The Daniel Ball, 10 Wall., 557; Liverpool Insurance Company v. Massachusetts, 10 Wall., 566; The Montello, 11 Wall., 411; *Ex parte* McNeil, 13 Wall., 236; State freight-tax, 15 Wall., 232; State tax on railway gross receipts, 15 Wall., 284; Osborn v. Mobile, 16 Wall., 479; Railroad Company v. Fuller, 17 Wall., 560; Bartemeyer v. Iowa, 18 Wall., 129; The Delaware railroad tax, 18 Wall., 206; Peete v. Morgan, 19 Wall., 581; Railroad Company v. Richmond, 19 Wall., 584; Railroad Company v. Maryland, 21 Wall., 456; The Lottawanna, 21 Wall., 558; Henderson *et al.* v. The Mayor of the City of New York, 92 U. S., 259; Chy Lung v. Freeman *et al.*, 93 U. S., 275; South Carolina v. Georgia *et al.*, 93 U. S., 4; Sherlock *et al.* v. Alling, adm., 93 U. S., 99; United States v. Forty-three Gallons of Whisky, etc., 93 U. S., 188; Foster v. Master and Wardens of the Port of New Orleans, 94 U. S., 246; Pound v. Turck, 95 U. S., 459; R. R. Co. v. Husen, 95 U. S. 465; Hall v. DeCuir, 95 U. S., 485; Pensacola Tel. Co. v. W. U. Tel. Co., 96 U. S. 1; Lord v. Goodall, 102 U. S. 541.

⁴To establish an uniform Rule of Naturalization,¹ and uniform Laws on the subject of Bankruptcies throughout the United States;²

¹Sturgis v. Crowningshield, 4 Wh., 122; ²McMillan v. McNeil, 4 Wh., 209; ²Farmers and Mechanics's Bank, Pennsylvania, v. Smith, 6 Wh., 131; ²Ogden v. Saunders, 12 Wh., 213; ²Boyle v. Zacharie and Turner, 6 Pet., 348; ¹Gassies v. Ballon, 6 Pet., 761; ²Beers *et al.* v. Haughton, 9 Pet., 329; ²Suydam *et al.* v. Broadnax, 14 Pet., 67; ²Cook v. Moffat *et al.*, 5 How., 295; ¹Dred Scott v. Sanford, 19 How., 393; Sinking Fund Cases, 99 U. S., 700.

⁵To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Briscoe v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; *Fox v. The State of Ohio*, 5 How., 410; *United States v. Marigold*, 9 How., 560.

⁶To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Fox v. The State of Ohio, 5 How., 410; *United States v. Marigold*, 9 How., 560.

⁷To establish Post Offices and post Roads;

State of Pennsylvania v. The Wheeling and Belmont Bridge Company, 18 How., 421; *Ex parte* Jackson, 96 U. S., 727.

⁸To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Grant et al. v. Raymon l, 6 Pet., 218; *Wheaton et als. v. Peters et als.*, 8 Pet., 591.

⁹To constitute Tribunals inferior to the supreme Court;

¹⁰To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

United States v. Palmer, 3 Wh., 610; United States v. Wiltberger, 5 Wh., 76; United States v. Smith, 5 Wh., 153; United States v. Pirates, 5 Wh., 184.

¹¹To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Brown v. United States, 8 Cr., 110; American Insurance Company *et al.* v. Canter (356 bales cotton), 1 Pet., 511; Mrs. Alexander's cotton, 2 Wall., 404; Miller v. United States, 11 Wall., 268; Tyler v. Defrees, 11 Wall., 331; Stewart v. Kahn, 11 Wall., 493; Hamilton v. Dillin, 21 Wall., 73; Laman, *ex. v.* Browne *et al.*, 92 U. S., 187.

¹²To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years;

Crandall v. State of Nevada, 6 Wall., 35.

¹³To provide and maintain a Navy;

United States v. Bevens, 3 Wh., 336; Dynes v. Hooper, 20 How., 65.

¹⁴To make Rules for the Government and Regulation of the land and naval Forces;

¹⁵To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Houston v. Moore, 5 Wh., 1; Martin v. Mott, 12 Wh., 19; Luther v. Borden, 7 How., 1; Crandall v. State of Nevada, 6 Wall., 35; Texas v. White, 7 Wall., 700.

¹⁶ To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Houston v. Moore, 5 Wh., 1; Martin v. Mott, 12 Wh., 19; Luther v. Borden, 7 How., 1.

¹⁷ To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of

Forts, Magazines, Arsenals, dock-Yards, and other need-
ful Buildings;—And

Hepburn et al. v. Ellzey, 2 Cr., 444; *Loughboro' v. Blake*, 5 Wh., 317; *Cohens v. Virginia*, 6 Wh., 264; *American Insurance Company v. Canter* (356 bales cotton) 1 Pet., 511; *Kendall, Postmaster-General v. The United States*, 12 Pet., 524; *United States v. Dewitt*, 9 Wall., 41; *Dunphy v. Kleinsmith et al.*, 11 Wall., 610; *Willard v. Presbury*, 14 Wall., 676; *Phillips v. Payne*, 93 U. S., 130; *United States v. Fox*, 94 U. S., 315; *State v. Hoskins*, 77 N. C., 530.

¹⁸ To make all Laws which shall be necessary and prop-
er for carrying into Execution the foregoing Powers, and
all other Powers vested by this Constitution in the Gov-
ernment of the United States, or in any Department or
Officer thereof.

McCulloch v. The State of Maryland, 4 Wh., 316; *Wayman v. Southard*, 10 Wh., 1; *Bank of United States v. Halstead*, 10 Wh., 51; *Hepburn v. Griswold*, 8 Wall., 603; *National Bank v. Commonwealth*, 9 Wall., 353; *Thomson v. Pacific Railroad*, 9 Wall., 579; *Parker v. Davis*, 12 Wall., 457; *Railroad Company v. Johnson*, 15 Wall., 195; *Railroad Company v. Peniston*, 18 Wall., 5; *Tenn v. Davis*, 100 U. S., 257; *ex parte Curtis*, 106 U. S., 371.

SECTION. 9. ¹ The Migration or Importation of such per-
sons as any of the States now existing shall think proper
to admit, shall not be prohibited by the Congress prior to
the Year one thousand eight hundred and eight, but a
Tax or duty may be imposed on such Importation, not
exceeding ten dollars for each Person.

Dred Scott v. Sanford, 19 How., 393; *Cook v. Penna.*, 97 U. S., 566.

² The Privilege of the Writ of Habeas Corpus shall not
be suspended, unless when in Cases of Rebellion or In-
vasion the public Safety may require it.

United States v. Hamilton, 3 Dall., 17; *Hepburn et al. v. Ellzey*, 2 Cr. 445; *Ex parte Bollman and Swartwout*, 4 Cr., 75; *Ex parte Kearney*, 7 Wh., 38; *Ex parte Tobias Watkins*, 3 Pet., 193; *Ex parte Milburn*, 9 Pet., 704; *Holmes v. Jennison et al.*, 14 Pet., 540; *Ex parte Dorr*, 3 How., 103; *Luther v. Borden*, 7 How., 1; *Ableman v. Booth and United States v. Booth*, 21 How., 506; *Ex parte Vallandigham*, 1 Wall., 243; *Ex parte Mulligan*, 4 Wall., 2; *Ex parte McCardle*, 7 Wall., 506; *Ex parte Yerger*, 8 Wall., 83; *Tarble's case*, 13 Wall., 397; *Ex parte Lange*, 18 Wall., 163; *Ex parte Parks*, 93 U. S., 18; *Ex parte Karstendick*, 93 U. S., 396.

³ No Bill of Attainder or ex post facto Law shall be
passed.

Fletcher v. Peck, 6 Cr., 87; *Ogden v. Saunders*, 12 Wh., 213; *Watson et al. v. Mercer*, 8 Pet., 88; *Carpenter et al. v. Commonwealth of Pennsylvania*, 17 How., 456; *Locke v. New Orleans*, 4 Wall., 172; *Cummings v. The State of Missouri*, 4 Wall., 277; *Ex parte Garland*, 4 Wall., 333; *Drehman v.*

Stifle, 8 Wall., 595; *Klinger v. State of Missouri*, 13 Wall., 257; *Pierce v. Carskadon*, 16 Wall., 234; *State v. Bond*, 4 Jon., 9.

⁴No capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

License Tax Cases, 5 Wall., 462; *Springer v. U. S.*, 102 U. S., 586.

⁵No Tax or Duty shall be laid on Articles exported from any State.

Cooley v. Board of Wardens of Port of Philadelphia, 12 How., 299; *Page v. Burgess, collector*, 92 U. S., 372.

⁶No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Cooley v. Board of Wardens of Port of Philadelphia et al., 12 How., 299; *State of Pennsylvania v. Wheeling and Belmont Bridge Company et al.*, 18 How., 421; *Munn v. Illinois*, 94 U. S., 113; *Guy v. Balt.*, 100 U. S., 434.

⁷No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

⁸No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. ¹No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit;¹ make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,² or Law impairing the Obligation of Contracts,³ or grant any Title of Nobility.

² *Calder and wife v. Bull and wife*, 3 Dall., 386; ³ *Fletcher v. Peck*, 6 Cr., 87; ⁴ *State of New Jersey v. Wilson*, 7 Cr., 164; ⁵ *Sturgis v. Crowningshield*, 4 Wh., 122; ⁶ *McMillan v. McNeil*, 4 Wh., 209; ⁷ *Darmouth College v. Woodward*, 4 Wh., 518; ⁸ *Owings v. Speed*, 5 Wh., 420; ⁹ *Farmers and Mechanics' Bank v. Smith*, 6 Wh., 131; ¹⁰ *Green et al. v. Biddle*, 8 Wh., 1; ¹¹ *Ogden v. Saunders*, 12 Wh., 213; ¹² *Mason v. Halle*, 12 Wh., 370; ¹³ *Satterlee v. Matthewson*, 2 Pet., 380; ¹⁴ *Hart v. Lamphire*, 3 Pet., 280; ¹⁵ *Craig et al. v. State of Missouri*, 4 Pet., 410; ¹⁶ *Providence Bank v. Billings and Pitman*, 4 Pet., 514;

¹Byrne v. State of Missouri, 8 Pet., 40; ²Watson v. Mercer, 8 Pet., 88; ³Mumma v. Potomac Company, 8 Pet., 281; ⁴Beers v. Haughton, 9 Pet., 329; ⁵Briscoe *et al.* v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; ⁶The Proprietors of Charles River Bridge v. The Proprietors of Warren Bridge, 11 Pet., 420; ⁷Armstrong v. The Treasurer of Athens Company, 16 Pet., 281; ⁸Bronson v. Kinzie *et al.*, 1 How., 311; ⁹McCracken v. Hayward, 2 How., 608; ¹⁰Gordon v. Appeal Tax Court, 3 How., 133; ¹¹State of Maryland v. Baltimore and Ohio R. R. Co., 3 How., 534; ¹²Neil, Moore & Co. v. State of Ohio, 3 How., 720; ¹³Cook v. Moffatt, 5 How., 295; ¹⁴Planters' Bank v. Sharp *et al.*, 6 How., 301; ¹⁵West River Bridge Company v. Dix *et al.*, 6 How., 507; ¹⁶Crawford *et al.* v. Branch Bank of Mobile, 7 How., 279; ¹⁷Woodruff v. Trapnall, 10 How., 190; ¹⁸Paup *et al.* v. Drew, 10 How., 218; ¹⁹Baltimore and Susquehanna R. R. Co. v. Nesbitt *et al.*, 10 How., 395; ²⁰Butler *et al.* v. Pennsylvania, 10 How., 402; ²¹Darlington *et al.* v. The Bank of Alabama, 13 How., 12; ²²Richmond, &c., R. R. Co. v. The Louise R. R. Co., 13 How., 71; ²³Trustees for Vincennes University v. State of Indiana, 14 How., 268; ²⁴Curran v. State of Arkansas *et al.*, 15 How., 304; ²⁵State Bank of Ohio v. Knoop, 16 How., 369; ²⁶Carpenter *et al.* v. Commonwealth of Pennsylvania, 17 How., 456; ²⁷Dodge v. Woolsey, 18 How., 331; ²⁸Beers v. State of Arkansas, 20 How., 527; ²⁹Aspinwall *et al.* v. Commissioners of County of Daviess, 22 How., 364; ³⁰Rector of Christ Church, Philadelphia, v. County of Philadelphia, 24 How., 300; ³¹Howard v. Bugbee, 24 How., 461; ³²Jefferson Branch Bank v. Skelley, 1 Black, 436; ³³Franklin Branch Bank v. State of Ohio, 1 Black, 474; ³⁴Trustees of the Wabash and Erie Canal Company v. Beers, 2 Black, 448; ³⁵Gilman v. City of Sheboygan, 2 Black, 510; ³⁶Bridge Proprietors v. Hoboken Company, 1 Wall., 116; ³⁷Hawthorne v. Calef, 2 Wall., 10; ³⁸The Binghamton Bridge, 3 Wall., 51; ³⁹The Turnpike Company v. The State, 3 Wall., 210; ⁴⁰Locke v. City of New Orleans, 4 Wall., 172; ⁴¹Railroad Company v. Rock, 4 Wall., 177; ⁴²Cummings v. State of Missouri, 4 Wall., 277; ⁴³*Ex parte* Garland, 4 Wall., 333; ⁴⁴Von Hoffman v. City of Quincy, 4 Wall., 535; ⁴⁵Mulligan v. Corbin, 7 Wall., 487; ⁴⁶Furman v. Nichol, 8 Wall., 44; ⁴⁷Home of the Friendless v. Rouse, 8 Wall., 430; ⁴⁸The Washington University v. Rouse, 8 Wall., 439; ⁴⁹Butz v. City of Muscatine, 8 Wall., 575; ⁵⁰Drehman v. Stifle, 8 Wall., 595; ⁵¹Hepburn v. Griswold, 8 Wall., 603; ⁵²Gut v. The State, 9 Wall., 35; ⁵³Railroad Company v. McClure, 10 Wall., 511; ⁵⁴Parker v. Davis, 12 Wall., 457; ⁵⁵Curtis v. Whiting, 13 Wall., 68; ⁵⁶Pennsylvania College Cases, 13 Wall., 190; ⁵⁷Wilmington R. R. v. Reid, sheriff, 13 Wall., 264; ⁵⁸Salt Company v. East Saginaw, 13 Wall., 373; ⁵⁹White v. Hart, 13 Wall., 646; ⁶⁰Osborn v. Nicholson *et al.*, 13 Wall., 654; ⁶¹Railroad Company v. Johnson, 15 Wall., 195; ⁶²Case of the State tax on foreign-held bonds, 15 Wall., 300; ⁶³Tomlinson v. Jessup, 15 Wall., 454; ⁶⁴Tomlinson v. Branch, 15 Wall., 460; ⁶⁵Miller v. The State, 15 Wall., 478; ⁶⁶Holyoko Company v. Lyman, 15 Wall., 500; ⁶⁷Gunn v. Barry, 15 Wall., 610; ⁶⁸Humphrey v. Pegues, 16 Wall., 244; ⁶⁹Walker v. Whitehead, 16 Wall., 314; ⁷⁰Sohn v. Waterson, 17 Wall., 596; ⁷¹Barings v. Dabney, 19 Wall., 1; ⁷²Head v. The University, 19 Wall., 526; ⁷³Pacific R. R. Co. v. Maguire, 20 Wall., 36; ⁷⁴Garrison v. The City of New York, 21 Wall., 196; ⁷⁵Ochiltree v. The Railroad Company, 21 Wall., 249; ⁷⁶Wilmington, &c., Railroad v. King, ex., 91 U. S., 3; ⁷⁷County of Moultrie v. Rockingham Ten Cent Savings Bank, 92 U. S., 631; ⁷⁸Homo

Insurance Company v. City Council of Augusta, 93 U. S., 116;
²West Wisconsin R. R. Co. v. Supervisors, 93 U. S., 595;
 Packet Co. v. Keokuk, 95 U. S., 89; N. J. v. Yard, 95 U. S.,
 104; R. R. Co. v. Hecht, 95 U. S., 168; Shields v. Ohio, 95
 U. S., 319; Terry v. Anderson, 95 U. S., 628; New Orleans v.
 Clark, 95 U. S., 644; Farrington v. Tenn., 95 U. S., 679;
 Tenn. v. Sneed, 96 U. S., 69; Williams v. Bruffy, 96 U. S.,
 176; Murray v. Charleston, 96 U. S., 432; R. R. Co. v. Rich-
 mond, 96 U. S., 521; Edwards v. Kearzey, 74 N. C., 241; 75
 N. C., 409; 96 U. S., 595; Godfrey v. Terry, 97 U. S., 171;
 Keith v. Clark, 97 U. S., 454; R. R. Co. v. Georgia, 98 U. S.,
 359; Univ. v. People, 99 U. S., 309; R. R. Co. v. Tenn., 101
 U. S., 337; State v. Miss., 101 U. S., 814; R. R. Co. v. Ala.,
 101 U. S., 832; Louisiana v. N. O., 102 U. S., 203; Wolf v.
 N. O., 103 U. S., 358; Penniman's Case, 103 U. S., 714;
 Horne v. State, 84 N. C., 362; Greenwood v. Freight Co., 105
 U. S., 13; Asylum v. N. O., 105 U. S., 362; Bank v. Bank, 13
 Ired., 75; Stanmire v. Taylor, 3 Jon., 207; Stanmire v. Welch,
 3 Jon., 214; State v. Matthews, 3 Jon., 451; Atty. Genl. v.
 Bank, 4 Jon. Eq., 287; Barnes v. Barnes, 8 Jon., 366; Wood-
 fin v. Sluder, Phil., 200; Robison v. Brown, 63 N. C., 554;
 Latham v. Whitehurst, 69 N. C., 33; Jones v. Crittenden, 1 C.
 L. Repos., 385; Mills v. Williams, 11 Ired., 298.

²No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

McCulloch v. State of Maryland, 4 Wh., 316; Gibbons v. Ogden, 9 Wh., 1; Brown v. The State of Maryland, 12 Wh., 419; Mager v. Grima *et al.*, 8 How., 490; Cooley v. Board of Wardens of Port of Philadelphia *et al.*, 12 How., 299; Almy v. State of California, 24 How., 169; License Tax Cases, 5 Wall., 462; Crandall v. State of Nevada, 6 Wall., 35; Waring v. The Mayor, 8 Wall., 110; Woodruff v. Perham, 8 Wall., 123; Hinson v. Lott, 8 Wall., 148; State Tonnage Tax Cases, 12 Wall., 204; State tax on railway gross receipts, 15 Wall., 284; Inman Steamship Company v. Tinker, 94 U. S., 238; Guy v. Balt., 100 U. S., 434; Machine Co. v. Gage, 100 U. S., 676; Wyune v. Wright, 1 D. & B., 19.

³No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Green v. Biddle, 8 Wh., 1; Poole *et al.* v. The Lessee of Fleeger *et al.*, 11 Pet., 185; Cooley v. Board of Wardens of Port of Philadelphia *et al.*, 12 How., 299; Peete v. Morgan, 19 Wall., 581; Cannon v. New Orleans, 20 Wall., 577; Inman Steamship Company v. Tinker, 94 U. S., 238.

ARTICLE II.

SECTION. 1. ¹The Executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows

²Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Chisholm, ex. v. Georgia, 2 Dall., 419; *Leitensdorfer et al. v. Webb*, 20 How., 176.

["The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit Sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates and the Votes shall then be counted. The Person having the greatest number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President."]

This clause has been superseded by the twelfth amendment.

³ The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

⁴ No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years,

and been fourteen Years a Resident within the United States.

English v. the Trustees of the Sailors' Snug Harbor, 3 Pet., 99.

⁵ In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

⁶ The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

⁷ Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability preserve, protect and defend the Constitution of the United States."

SECTION. 2. ¹ The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

United States v. Wilson, 7 Pet., 150; *Ex parte* William Wells, 18 How., 307; *Ex parte* Garland, 4 Wall., 333; *Armstrong's Foundry*, 6 Wall., 766; *The Grape St. ot*, 9 Wall., 129; *United States v. Padelford*, 9 Wall., 542; *United States v. Klein*, 13 Wall., 128; *Armstrong v. The United States*, 13 Wall., 152; *Pargond v. The United States*, 13 Wall., 156; *Hamilton v. Dillin*, 21 Wall., 73; *Mechanics and Traders Bank v. Union Bank*, 22 Wall., 276; *Lamar, ex. v. Browne et al.*, 92 U. S., 187; *Wallach et al. v. Van Riswick*, 92 U. S., 202.

² He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers

and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Ware v. Hylton *et al.*, 3 Dall., 199; Marbury v. Madison, 1 Cr., 137; United States v. Kirkpatrick, 9 Wh., 720; American Insurance Company v. Canter (356 bales Cotton), 1 Pet. 511; Foster and Elam v. Neilson, 2 Pet., 253; Cherokee Nation v. State of Georgia, 5 Pet., 1; Patterson v. Gwinn *et al.*, 5 Pet., 233; Worcester v. State of Georgia, 6 Pet., 515; City of New Orleans v. De Armas *et al.*, 9 Pet. 224; Holden v. Joy, 17 Wall., 211.

³The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commission which shall expire at the End of their next Session.

The United States v. Kirkpatrick *et al.*, 9 Wh., 720.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Marbury v. Madison, 1 Cr., 137; Kendall, Postmaster-General, v. The United States, 12 Pet., 524; Luther v. Borden, 7 How., 1; The State of Mississippi v. Johnson, President, 4 Wall., 475; Stewart v. Kahn, 11 Wall., 493.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Ser-

vices, a Compensation, which shall not be diminished during their Continuance in Office.

Chisholm, *ex. v. Georgia*, 2 Dall., 419; *Stuart v. Laird*, 1 Cr., 299; *United States v. Peters*, 5 Cr., 115; *Cohens v. Virginia*, 6 Cr., 264; *Martin v. Hunter's Lessee*, 1 Wh., 304; *Osborn v. United States Bank*, 9 Wh., 738; *Benner et al. v. Porter*, 9 How., 235; *The United States v. Ritchie*, 17 How., 525; *Murray's Lessee et al. v. Hoboken Land and Improvement Company*, 18 How., 272; *ex parte Vallandigham*, 1 Wall., 243.

SECTION. 2. ¹The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Hayburn's case (note), 2 Dall., 410; *Chisholm, ex. v. Georgia*, 2 Dall., 419; *Glass et al. v. Sloop Betsey*, 3 Dall., 6; *United States v. La Vengeance*, 3 Dall., 297; *Hollingsworth et al. v. Virginia*, 3 Dall., 378; *Mossman, ex. v. Higginson*, 4 Dall., 12; *Marbury v. Madison*, 1 Cr., 137; *Hepburn et al. v. Ellezley*, 2 Cr., 444; *United States v. Moore*, 3 Cr., 159; *Strawbridge et al. v. Curtiss et al.*, 3 Cr., 267; *Ex parte Bollman and Swartwout*, 4 Cr., 75; *Rose v. Himely*, 4 Cr., 241; *Chappedelaine et al. v. Dechenaux*, 4 Cr., 305; *Hope Insurance Company v. Boardman et al.*, 5 Cr., 57; *Bank of United States v. Devaux et al.*, 5 Cr., 61; *Hodgson et als. v. Bowerbank et als.*, 5 Cr., 303; *Owings v. Norwood's Lessee*, 5 Cr., 344; *Durousseau v. The United States*, 6 Cr., 307; *United States v. Hudson and Goodwin*, 7 Cr., 32; *Martin v. Hunter*, 1 Wh., 304; *Colson et al. v. Lewis*, 2 Wh., 377; *United States v. Bevens*, 3 Wh., 336; *Cohens v. Virginia*, 6 Wh., 264; *Ex parte Kearney*, 7 Wh., 38; *Matthews v. Zane*, 7 Wh., 164; *Osborn v. United States Bank*, 9 Wh., 738; *United States v. Ortega*, 11 Wh., 467; *American Insurance Company v. Canter* (356 bales cotton), 1 Pet., 511; *Jackson v. Twentyman*, 2 Pet., 136; *Cherokee Nation v. State of Georgia*, 5 Pet., 1; *State of New Jersey v. State of New York*, 5 Pet., 283; *Davis v. Packard et al.*, 6 Pet., 41; *United States v. Arredondo et al.*, 6 Pet., 691; *Davis v. Packard, et al.*, 7 Pet., 276; *Breedlove et al. v. Nickolet et al.*, 7 Pet., 413; *Brown v. Keene*, 8 Pet., 112; *Davis v. Packard et al.*, 8 Pet., 312; *City of New Orleans v. De Armas et al.*, 9 Pet., 224; *The State of Rhode Island v. The Commonwealth of Massachusetts*, 12 Pet., 657; *The Bank of Augusta v. Earle*, 13 Pet., 519; *The Commercial and Railroad Bank of Vicksburg v. Slocomb et al.*, 14 Pet., 60; *Suydam et al. v. Broaduax*, 14 Pet., 67; *Prigg v. The Commonwealth of Pennsylvania*, 16 Pet., 539; *Louisville, Cincinnati and*

Charleston Railway Company v. Letson, 2 How., 497; Cary *et als.* v. Curtis, 3 How., 236; Warring v. Clark, 5 How., 441; Luther v. Borden, 7 How., 1; Sheldon *et al.* v. Sill, 8 How., 441; The Propeller Genesee Chief v. Fitzhugh *et al.*, 12 How., 443; Fretz *et al.* v. Ball *et al.*, 12 How., 466; Neves *et al.* v. Scott *et al.*, 13 How., 268; State of Pennsylvania v. The Wheeling, &c., Bridge Company *et al.*, 13 How., 518; Marshall v. The Baltimore and Ohio R. R. Co., 16 How., 314; The United States v. Guthrie, 17 How., 284; Smith v. State of Maryland, 18 How., 71; Jones *et al.* v. League, 18 How., 76; Murray's Lessee *et al.* v. Hoboken Land and Improvement Company, 18 How., 272; Hyde *et al.* v. Stone, 20 How., 170; Irvine v. Marshall *et al.*, 20 How., 558; Fenn v. Holmes, 21 How., 481; Moorewood *et al.* v. Erequist, 23 How., 491; Commonwealth of Kentucky v. Dennison, Governor, 24 How., 66; Ohio and Mississippi Railroad Company v. Wheeler, 1 Black, 286; The Steamer Saint Lawrence, 1 Black, 523; The Propeller Commerce, 1 Black, 574; *Ex parte* Vallandigham, 1 Wall., 243; *Ex parte* Milligan, 4 Wall., 1; The Moses Taylor, 4 Wall., 411; State of Mississippi v. Johnson, President, 4 Wall., 475; The Hine v. Trevor, 4 Wall., 555; City of Philadelphia v. The Collector, 5 Wall., 720; State of Georgia v. Stanton, 6 Wall., 50; Payne v. Hook, 7 Wall., 425; The Alicia, 7 Wall., 571; *Ex parte* Yerger, 8 Wall., 85; Insurance Company v. Dunham, 11 Wall., 1; Virginia v. West Virginia, 11 Wall., 39; Coal Company v. Blatchford, 11 Wall., 172; Railway Company v. Whitton's adm., 13 Wall., 270; Tarble's Case, 13 Wall., 397; Blyew *et al.* v. The United States, 13 Wall., 581; Davis v. Gray, 16 Wall., 203; Case of the Sewing Machine Companies, 18 Wall., 553; Insurance Company v. Morse, 20 Wall., 445; Vannevar v. Bryant, 21 Wall., 41; The Lottawanna, 21 Wall., 558; Gaines v. Fuentes *et al.*, 92 U. S., 10; Miller v. Dows, 94 U. S., 444; Doyle v. Continental Insurance Company, 94 U. S., 535.

² In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Chisholm, ex., v. Georgia, 2 Dall., 419; Wiscart *et al.* v. Dauchy, 3 Dall., 321; Marbury v. Madison, 1 Cr., 137; Durosean *et al.* v. United States, 6 Cr., 307; Martin v. Hunter's Lessee, 1 Wh., 304; Cohens v. Virginia, 6 Wh., 234; *Ex parte* Kearney, 7 Wh., 38; Wayman v. Southard, 10 Wh., 1; Bank of the United States v. Halstead, 10 Wh., 51; United States v. Ortega, 11 Wh., 467; The Cherokee Nation v. The State of Georgia, 5 Pet., 1; *Ex parte* Crane *et als.*, 5 Pet., 189; The State of New Jersey v. The State of New York, 5 Pet., 283; *Ex parte* Sibbald v. United States, 12 Pet., 488; The State of Rhode Island v. The State of Massachusetts, 12 Pet., 657; State of Pennsylvania v. The Wheeling, &c., Bridge Company, 13 How., 518; *In re* Kaine, 14 How., 103; Ableman v. Booth and United States v. Booth, 21 How., 506; Freeborn v. Smith, 2 Wall., 160; *Ex parte* McCardle, 6 Wall., 318; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85; The Lucy, 8 Wall., 307; The Justices v. Murray, 9 Wall., 274,

Pennsylvania v. Quicksilver Company, 10 Wall., 553; Murdock v. City of Memphis, 20 Wall., 590; The "Francis Wright," 105 U. S., 381.

³ The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Ex parte Milligan, 4 Wall., 2.

SECTION. 3. ¹ Treason against the United States shall consist only in levying War against them, or in adhering to their 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.

United States v. The Insurgents, 2 Dall., 335; United States v. Mitchell, 2 Dall., 348; *Ex parte Bollman and Swartwout*, 4 Cr., 75; United States v. Aaron Burr, 4 Cr., 469.

² The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bigelow v. Forest, 9 Wall., 339; Day v. Micou, 18 Wall., 156; *Ex parte Lange*, 18 Wall., 163; Wallack *et al.* v. Van Riswick, 92 U. S., 202.

ARTICLE IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mills v. Duryee, 7 Cr., 481; Hampton v. McConnel, 3 Wh., 234; Mayhew v. Thatcher, 6 Wh., 129; Darby's Lessee v. Mayer, 10 Wh., 465; The United States v. Amedy, 11 Wh., 392; Caldwell *et al.* v. Carrington's heirs, 9 Pet., 86; M'Elmoyle v. Cohen, 13 Pet., 312; The Bank of Augusta v. Earle, 13 Pet., 519; Bank of the State of Alabama v. Dalton, 9 How., 522; D'Arcy v. Ketchum, 11 How., 165; Christmas v. Russell, 5 Wall., 290; Green v. Van Vaskirk, 7 Wall., 139; Paul v. Virginia, 8 Wall., 168; Board of Public Works v. Columbia College, 17 Wall., 521; Thompson v. Whitman, 18 Wall., 457; Bonaparte v. Tax Court, 104 U. S., 592.

SECTION. 2. ¹The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Bank of United States v. Devereaux, 5 Cr., 61; Gassies v. Bal-lou, 6 Pet., 761; The State of Rhode Island v. The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta v. Earle, 13 Pet., 519; Moore v. The People of the State of Illinois, 14 How., 13; Conner *et al.* v. Elliott *et al.*, 18 How., 591; Dred Scott v. Sanford, 19 How., 393; Crandall v. State of Nevada, 6 Wall., 35; Woodruff v. Parham, 8 Wall., 123; Paul v. Virginia, 8 Wall., 168; Downham v. Alexandria Council, 10 Wall., 173; Liverpool Insurance Company v. Massachusetts, 10 Wall., 566; Ward v. Maryland, 12 Wall., 418; Slaughterhouse Cases, 16 Wall., 36; Bradwell v. The State, 16 Wall., 130; Chemung Bank v. Lowery, 93 U. S., 72; McCready v. Virginia, 94 U. S., 391.

²A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

Holmes v. Jennison *et al.*, 14 Pet., 540; Commonwealth of Kentucky v. Dennison, governor, 24 How., 66; Taylor v. Tainter, 16 Wall., 366.

³No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Prigg v. The Commonwealth of Pennsylvania, 16 Pet., 539; Jones v. Van Zandt, 5 How., 215; Strader *et al.* v. Graham, 10 How., 82; Moore v. The People of the State of Illinois, 14 How., 13; Dred Scott v. Sanford, 19 How., 393; Ableman v. Booth and United States v. Booth, 21 How., 506.

SECTION. 3. ¹New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

American Insurance Company *et al.* v. Canter (356 bales cotton), 1 Pet., 511; Pollard's Lessee v. Hagan, 3 How., 212; Cross *et al.* v. Harrison, 16 How., 164.

²The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so con-

strued as to Prejudice any Claims of the United States, or of any particular State.

McCulloch v. State of Maryland, 4 Wh., 316; *American Insurance Company v. Canter*, 1 Pet., 511; *United States v. Gratiot et al.*, 14 Pet., 526; *United States v. Rogers*, 4 How., 567; *Cross et al. v. Harrison*, 16 How., 164; *Muckey et al. v. Coxe*, 18 How., 100; *Gibson v. Chateau*, 13 Wall., 92; *Clinton v. Englebert*, 13 Wall., 434; *Beall v. New Mexico*, 16 Wall., 535.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Luther v. Borden, 7 How., 1; *Texas v. White*, 7 Wall., 700.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

¹All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

²This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound there-

by, anything in the Constitution or laws of any State to the contrary notwithstanding.

Hayburn's case, 2 Dall., 409; Ware v. Hylton, 3 Dall., 199; Calder and wife v. Bull and wife, 3 Dall., 386; Marbury v. Madison, 1 Cr., 137; Chirac v. Chirac, 2 Wh., 259; McCulloch v. The State of Maryland, 4 Wh., 316; Society v. New Haven, 8 Wh., 464; Gibbons v. Ogden, 9 Wh., 1; Foster and Elam v. Neilson, 2 Pet., 253; Buckner v. Finley, 2 Pet., 586; Worcester v. State of Georgia, 6 Pet., 515; Kennett *et al.* v. Chambers, 14 How., 38; Dodge v. Woolsey, 18 How., 331; State of New York v. Dibble, 21 How., 366; Ableman v. Booth and United States v. Booth, 21 How., 506; Sinnot v. Davenport, 22 How., 227; Foster v. Davenport, 22 How., 244; Haver v. Yaker, 9 Wall., 32; State v. Hoskins, 77 N. C., 530.

³The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution, but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ex parte Garland, 4 Wall., 333.

ARTICLE VII.

The Ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty-seven, and of the Independence of the United States of America the Twelfth **In Witness** whereof We have hereunto subscribed our Names,

G^o: WASHINGTON—

Presidt. and Deputy from Virginia

New Hampshire.

JOHN LANGDON

NICHOLAS GILMAN

Massachusetts.

NATHANIEL GORHAM

RUFUS KING

Connecticut.

WM. SAML. JOHNSON

ROGER SHERMAN

New York.

ALEXANDER HAMILTON

New Jersey.

WIL: LIVINGSTON
DAVID BREARLEY

WM. PATERSON
JONA: DAYTON

Pennsylvania.

B. FRANKLIN
THOMAS MIFFLIN
ROBERT MORRIS
GEO. CLYMER

THOS. FITZSIMONS
JARED INGERSOLL
JAMES WILSON
GOUV MORRIS

Delaware.

GEO: READ
GUNNING BEDFORD JUN
JOHN DICKINSON

RICHARD BASSETT
JACO: BROOM

Maryland.

JAMES MCHENRY
DAN OF ST THOS JENIFER

DANL. CARROLL

Virginia.

JOHN BLAIR—

JAMES MADISON JR

North Carolina.

WM. BLOUNT
RICH. DOBBS SPAIGHT

HU WILLIAMSON

South Carolina.

J. RUTLEDGE,
CHARLES COTESWORTH PINCKNEY

CHARLES PINCKNEY
PIERCE BUTLER.

Georgia.

WILLIAM FEW
Attest

ABR BALDWIN
WILLIAM JACKSON *Secretary*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Terrett et al. v. Taylor et al., 9 Cr., 43; *Vidal et al. v. Girard et al.*, 2 How., 127; *Ex parte Garland*, 4 Wall., 333; *United States v. Cruikshank et al.*, 92 U. S., 542; *Reynolds v. U. S.*, 98 U. S., 145.

[ARTICLE II.]

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.

State v. Newsom, 5 Ired., 250.

[ARTICLE III.]

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 to be prescribed by law.

*The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22 1789; South Carolina, January 19, 1790; New Hampshire, January 25 1790; Delaware, January 23, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Smith v. State of Maryland, 18 How., 71; Murray's Lessee *et al.* v. Hoboken Land and Improvement Company, 18 How., 272; *Ex parte* Milligan, 4 Wall., 2; Kilbourn v. Thompson, 103 U. S., 168.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States v. Perez, 9 Wh., 579; Barron v. The City of Baltimore, 7 Pet., 243; Fox v. Ohio, 5 How., 410; West River Bridge Company v. Dix *et al.*, 6 How., 507; Mitchell v. Harmony, 13 How., 115; Moore, *ex. v.* The People of the State of Illinois, 14 How., 13; Murray's Lessee *et al.* v. Hoboken Land and Improvement Company, 18 How., 272; Dynes v. Hoover, 20 How., 65; Withers v. Buckley *et al.*, 20 How., 84; Gilman v. The City of Sheboygan, 2 Black, 510; *Ex parte* Milligan, 4 Wall., 2; Twitchell v. The Commonwealth, 7 Wall., 321; Hepburn v. Griswold, 8 Wall., 603; Miller v. United States, 11 Wall., 268; Legal Tender Cases, 12 Wall., 457; Pumpelly v. Green Bay Company, 13 Wall., 166; Osborn v. Nicholson, 13 Wall., 654; *Ex parte* Lange, 18 Wall., 163; Kohl *et al.* v. United States, 91 U. S., 367; R. R. Co. v. Richmond, 96 U. S., 521; Davidson v. N. O., 96 U. S., 97; Hackett v. Ottawa, 99 U. S., 86; Kilbourn v. Thompson, 113 U. S., 168; Kelly v. Pittsburg, 104 U. S., 78; Fox v. Cin., 104 U. S., 783; R. R. Co. v. Davis, 2 D. & B., 451; State v. Newsom, 5 Fred., 50; State v. Glenn, 7 Jon., 321; Cornelius v. Glenn, 7 Jon., 512; Hoke v. Henderson, 4 Dev., 1; Johnson v. Rankin, 70 N. C., 550.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of

the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

United States v. Cooledge, 1 Wh., 415; *Ex parte* Kearney, 7 Wh., 38; United States v. Mills, 7 Pet., 142; Baron v. City of Baltimore, 7 Pet., 243; Fox v. Ohio, 5 How., 410; Withers v. Buckley *et al.*, 20 How., 84; *Ex parte* Milligan, 4 Wall., 2; Twitchell v. The Commonwealth, 7 Wall., 321; Miller v. The United States, 11 Wall., 268; United States v. Cook, 17 Wall., 168; United States v. Cruikshank *et al.*, 92 U. S., 542; Reynolds v. U. S., 98 U. S., 145.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

United States v. La Vengeance, 3 Dall., 297; Bank of Columbia v. Oakley, 4 Wh., 235; Parsons v. Bedford *et al.*, 3 Pet., 433; Lessee of Livingston v. Moore *et al.*, 7 Pet., 469; Websier v. Reid, 11 How., 437; State of Pennsylvania v. The Wheeling &c., Bridge Company *et al.*, 13 How., 518; The Justices v. Murray, 9 Wall., 274; Edwards v. Elliott *et al.*, 21 Wall., 532; Pearsall v. Yewdall, 95 U. S., 294; McElrath v. U. S., 102 U. S., 426.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Pervear v. Commonwealth, 5 Wall., 475.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Lessee of Livingston v. Moore *et al.*, 7 Pet., 469; Kilbourn v. Thompson, 103 U. S., 168.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Chisholm, ex. v. State of Georgia, 2 Dall., 419; Hollingsworth *et al.*, v. The State of Virginia, 3 Dall., 378; Martin v. Hunter's Lessee, 1 Wh., 304; McCulloch v. State of Maryland, 4 Wh. 316; Anderson v. Dunn, 6 Wh., 204; Cohens v. Virginia, 6 Wh., 264; Osborn v. United States Bank, 9 Wh., 738; Buchler v. Finley, 2 Pet., 586; Ableman v. Booth, 21 How., 506; The Collector v. Day, 11 Wall., 113; Claffin v. Houseman, assignee, 93 U. S., 130; Inman Steamship Company v. Tinker, 94 U. S., 238; Kilbourn v. Thompson, 103 U. S., 168.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens or Subjects of any Foreign State.

State of Georgia v. Brailsford *et al.*, 2 Dall., 402; Chisholm, ex. v. State of Georgia, 2 Dall., 419; Hollingsworth *et al.* v. Virginia, 3 Dall., 378; Cohen v. Virginia, 6 Wh., 264; Osborn v. United States Bank, 9 Wh., 738; United States v. The Planters' Bank, 9 Wh., 904; The Governor of Georgia v. Juan Madero, 1 Pet., 110; Cherokee Nation v. State of Georgia, 5 Pet., 1; Briscoe v. The Bank of the Commonwealth of Kentucky, 11 Pet., 257; Curran v. State of Arkansas *et al.*, 15 How., 304.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

[ARTICLE XII.]

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Sen-

ate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest members on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second articles; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804 to have been ratified by the legislatures of three-fourths of the States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

Dred Scott v. Sanford, 19 How., 393; *White v. Hart*, 13 Wall,

646; *Osborn v. Nicholson*, 13 Wall., 654; *Slaughter-house Cases*, 16 Wall., 36.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

R. R. Co. v. Richmond, 96 U. S., 521; *Straude v. W. Va.*, 100 U. S., 303; *Va. v. Rives*, 100 U. S., 313; *Ex parte Va.*, 100 U. S., 339; *Guy v. Balt.*, 100 U. S., 434; *Kirtland v. Hotchkiss*, 100 U. S., 491; *Mo. v. Lewis*, 101 U. S., 22; *Neal v. Del.*, 103 U. S., 370; *Worthy v. Barrett*, 63 N. C., 199; *Tate, ex parte*, 63 N. C., 308.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having pre-

viously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Crandall v. The State of Nevada, 6 Wall., 35; *Paul v. Virginia*, 8 Wall., 168; *Ward v. Maryland*, 12 Wall., 418; *Slaughterhouse Cases*, 16 Wall., 36; *Bradwell v. The State*, 16 Wall., 130; *Bartemeyer v. Iowa*, 18 Wall., 129; *Minor v. Happersett*, 21 Wall., 162; *Walker v. Sauvinet*, 92 U. S., 90; *Kennard v. Louisiana, ex rel. Morgan*, 92 U. S., 480; *United States v. Cruikshank*, 92 U. S., 542; *Munn v. Illinois*, 94 U. S., 113.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore, *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereinafter mentioned, by the legislatures of thirty of the thirty-six States, viz: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (and the legislature of the same State passed a resolution in April, 1866, to withdraw its consent to it); Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 9, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867 (and the legislature of the same State passed a reso-

tion in January, 1868, to withdraw its consent to it); Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868, and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867, and was not afterward ratified by either State.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

United States v. Reese *et al.*, 92 U. S., 214; United States v. Cruikshank *et al.*, 92 U. S., 542; Neal v. Del., 103 U. S., 370.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9-12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869; Pennsylvania, March 26, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13-14, 1869; New York, March 17-April 14, 1869, (and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it); New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15-17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas, January 18-19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The State of Georgia also ratified the amendment February 2, 1870.

ANALYTICAL INDEX

TO THE

CONSTITUTION OF THE UNITED STATES

AND THE

AMENDMENTS THERETO.

A.

- Abridged.* The privileges or immunities of citizens of the United States shall not be. [Amendments]—Art. 14, Sec. 1, Cl. —.
- Absent members,* in such manner and under such penalties as it may provide. Each House is authorized to compel the attendance of—Art. 1, Sec. 5, Cl. 1.
- Accounts* of receipts and expenditures of public money shall be published from time to time. A statement of the—Art. 1, Sec. 9, Cl. 7.
- Accusation.* In all criminal prosecutions the accused shall be informed of the cause and nature of the. [Amendments]—Art. 6, Sec. —, Cl. —.
- Accused* shall have a speedy public trial. In all criminal prosecutions the. [Amendments]—Art. 6, Sec. —, Cl. —.
- He shall be tried by an impartial jury of the State and district where the crime was committed. [Amendments]—Art. 6, Sec. —, Cl. —.
- He shall be informed of the nature of the accusation. [Amendments]—Art. 6, Sec. —, Cl. —.
- He shall be confronted with the witnesses against him. [Amendments]—Art. 6, Sec. —, Cl. —.
- He shall have compulsory process for obtaining witnesses in his favor. [Amendments]—Art. 6, Sec. —, Cl. —.
- He shall have the assistance of counsel for his defence. [Amendments]—Art. 6, Sec. —, Cl. —.
- Actions* at common law involving over twenty dollars shall be tried by jury. [Amendments]—Art. 7, Sec. —, Cl. —.
- Acts, records,* and judicial proceedings of another State. Full faith and credit shall be given in each State to the—Art. 4, Sec. 1, Cl. —.
- Acts.* Congress shall prescribe the manner of proving such acts, records, and proceedings—Art. 4, Sec. 1, Cl. —.
- Adjourn* from day to day. A smaller number than a quorum of each House may—Art. 1, Sec. 5, Cl. 1.
- Adjourn* for more than three days, nor to any other place than that in

which they shall be sitting. Neither House shall, during the session of Congress, without the consent of the other—Art. 1, Sec. 5, Cl. 4.

Adjournment, the President may adjourn them to such time as he shall think proper. In case of disagreement between the two Houses as to—Art. 2, Sec. 3, Cl.—.

Admiralty and maritime jurisdiction. The judicial power shall extend to all cases of—Art. 3, Sec. 2, Cl.—.

Admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State. New States may be—Art. 4, Sec. 3, Cl. 1.

Nor shall any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures and of Congress—Art. 4, Sec. 3, Cl. 1.

Adoption of the Constitution shall be valid. All debts and engagements contracted by the confederation and before the—Art. 6, Sec.—, Cl. 1.

Advice and consent of the Senate. The President shall have power to make treaties by and with the—Art. 2, Sec. 2, Cl. 2.

To appoint ambassadors or other public ministers and consuls by and with the—Art. 2, Sec. 2, Cl. 2.

To appoint all other officers of the United States not herein otherwise provided for by and with the—Art. 2, Sec. 2, Cl. 3.

Affirmation. Senators sitting to try impeachment shall be on oath or—Art. 1, Sec. 3, Cl. 6.

To be taken by the President of the United States. Form of the oath or—Art. 2, Sec. 1, Cl. 7.

No Warrants shall be issued but upon probable cause and on oath or [Amendments]—Art. 4, Sec.—, Cl.—.

To support the Constitution. Senators and Representatives, members of State legislatures, executive and judicial officers, both State and Federal, shall be bound by oath or—Art. 6, Sec.—, Cl. 3.

Age. No person shall be a Representative who shall not have attained twenty-five years of—Art. 1, Sec. 2, Cl. 2.

No person shall be a Senator who shall not have attained thirty years of—Art. 1, Sec. 3, Cl. 3.

Agreement or compact with another State without the consent of Congress. No State shall enter into any—Art. 1, Sec. 10, Cl. 3.

Aid and comfort. Treason against the United States shall consist in levying war against them, adhering to their enemies, and giving them—Art. 3, Sec. 3, Cl. 1.

Alliance or confederation. No State shall enter into any treaty of—Art. 1, Sec. 10, Cl. 1.

Ambassadors, or other public ministers and consuls. The President may appoint—Art. 2, Sec. 2, Cl. 2.

The judicial power of the United States shall extend to all cases affecting—Art. 3, Sec. 2, Cl. 1.

Amendments to the Constitution. Whenever two-thirds of both Houses shall deem it necessary, Congress shall propose—Art. 5, Sec.—, Cl.—.

To the Constitution. On application of the legislatures of two-thirds of the States, Congress shall call a convention to propose—Art. 5, Sec.—, Cl.—.

Shall be valid when ratified by the legislatures of, or by conventions in, three-fourths of the States—Art. 5, Sec.—, Cl.—.

Answer for a capital or infamous crime unless presented by a grand jury. No person shall be held to. [Amendments]—Art. 5, Sec.—, Cl.—.

Except in cases in the land or naval forces, or in the militia when in actual service. [Amendments]—Art. 5, Sec.—, Cl.—.

Appellate jurisdiction both as to law and fact, with such exceptions and

- under such regulations as Congress shall make. In what cases the Supreme Court shall have—Art. 3, Sec. 2, Cl. 2.
- Application* of the legislature or the executive of a State. The United States shall protect each State against invasion and domestic violence on the—Art. 4, Sec. 4, Cl. —.
- Application* of the legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution. On the—Art. 5, Sec. —, Cl. —.
- Appointment* of officers and authority to train the militia reserved to the States respectively—Art. 1, Sec. 8, Cl. 16.
- Of such inferior officers as they may think proper in the President alone. Congress may by law vest the—Art. 2, Sec. 2, Cl. 2.
- In the courts of law or in the heads of departments. Congress may by law vest the—Art. 2, Sec. 2, Cl. 2.
- Apportionment* of representation and direct taxation among the several States. Provisions relating to the. [Repealed by sec. 2 of 14th amendment.]—Art. 1, Sec. 2, Cl. 3.
- Of representatives among the several States. Provisions relating to the. [Amendments]—Art. 14, Sec. 2, Cl. —.
- Appropriate legislation.* Congress shall have power to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof—Art. 1, Sec. 8, Cl. 18.
- Congress shall have power to enforce the thirteenth article, prohibiting slavery by. [Amendments]—Art. 13, Sec. 2, Cl. —.
- Congress shall have power to enforce the fourteenth article by. [Amendments]—Art. 14, Sec. 5, Cl. —.
- Congress shall have power to enforce the provisions of the fifteenth article by. [Amendments]—Art. 15, Sec. 2, Cl. —.
- Appropriation* of money for raising and supporting armies shall be for a longer term than two years. But no—Art. 1, Sec. 8, Cl. 12.
- Appropriations* made by law. No money shall be drawn from the Treasury but in consequence of—Art. 1, Sec. 9, Cl. 7.
- Approve* and sign a bill before it shall become a law. The President shall—Art. 1, Sec. 7, Cl. 2.
- He shall return it to the House in which it originated, with his objections, if he do not—Art. 1, Sec. 7, Cl. 2.
- Armies*, but no appropriations for that use shall be for a longer term than two years. Congress shall have power to raise and support—Art. 1, Sec. 8, Cl. 12.
- Armies.* Congress shall make rules for the government and regulation of the land and naval forces—Art. 1, Sec. 8, Cl. 14.
- Arms* shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear. [Amendments]—Art. 2, Sec. —, Cl. —.
- Arrest* during their attendance at the session of their respective Houses, and in going to and returning from the same. Members shall in all cases, except treason, felony, and breach of the peace, be privileged from—Art. 1, Sec. 6, Cl. 1.
- Arsenals.* Congress shall exercise exclusive authority over all places purchased for the erection of—Art. 1, Sec. 8, Cl. 17.
- Articles* exported from any State. No tax or duty shall be laid on—Art. 1, Sec. 9, Cl. 5.
- Arts* by securing to authors and inventors their patent rights. Congress may promote the progress of science and the useful—Art. 1, Sec. 8, Cl. 8.
- Assistance* of counsel for his defence. In all criminal prosecution the accused shall have the. [Amendments]—Art. 6, Sec. —, Cl. —.
- Assumption* of the debt or obligation incurred in aid of rebellion or insurrection against the United States. Provisions against the. [Amendments]—Art. 14, Sec. 4, Cl. —.

- Attainder* or *ex post facto* law shall be passed. No bill of—Art. 1, Sec. 9, Cl. 3.
- Attainder. ex post facto* law, or law impairing the obligation of contracts. No state shall pass any bill of—Art. 1, Sec. 10, Cl. 1.
- Attainder* of treason shall not work corruption of blood or forfeiture, except during the life of the person attainted—Art. 3, Sec. 3, Cl. 2.
- Authors* and inventors the exclusive right to their writings and inventions. Congress shall have power to secure to—Art. 1, Sec. 8, Cl. 8.

B.

- Bail.* Excessive bail shall not be required, nor excessive fines nor cruel and unusual punishments imposed. [Amendments]—Art. 8, Sec. —, Cl. —.
- Ballot* for President and Vice-President. The electors shall vote by. [Amendments]—Art. 12, Sec. —, Cl. —.
- Ballot.* If no person have a majority of the electoral votes for President and Vice President, the House of Representatives shall immediately choose the President by. [Amendments]—Art. 12, Sec. —, Cl. —.
- Bankruptcies.* Congress shall have power to pass uniform laws on the subject of—Art. 1, Sec. 8, Cl. 4.
- Basis* of representation among the several States. Provisions relating to the [Amendments]—Art. 14, Sec. 2, Cl. —.
- Bear arms* shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and. [Amendments]—Art. 2, Sec. —, Cl. —.
- Behavior.* The judges of the Supreme and inferior courts shall hold their offices during good—Art. 3, Sec. 1, Cl. —.
- Bill* of attainder or *ex post facto* law shall be passed. No—Art. 1, Sec. 9, Cl. 3.
- Bill* of attainder *ex post facto* law, or law impairing the obligation of contracts. No State shall pass any—Art. 1, Sec. 10, Cl. 1.
- Bills* of credit. No State shall emit—Art. 1, Sec. 10, Cl. 1.
- Bills* for raising revenue shall originate in the House of Representatives. All—Art. 1, Sec. 7, Cl. 1.
- Bills* which shall have passed the Senate and House of Representatives shall, before they become laws, be presented to the President—Art. 1, Sec. 7, Cl. 2.
- If he approve, he shall sign them; if he disapprove, he shall return them, with his objections, to that House in which they originated—Art. 1, Sec. 7, Cl. 2.
- Upon the reconsideration of a bill returned by the President with his objections, if two-thirds of each House agree to pass the same, it shall become a law—Art. 1, Sec. 7, Cl. 2.
- Upon the reconsideration of a bill returned by the President, the question shall be taken by yeas and nays—Art. 1, Sec. 7, Cl. 2.
- Not returned by the President within ten days (Sundays excepted), shall, unless Congress adjourn, become laws—Art. 1, Sec. 7, Cl. 2.
- Borrow* money on the credit of the United States. Congress shall have power to—Art. 1, Sec. 8, Cl. 2.
- Bounties* and pensions, shall not be questioned. The validity of the public debt incurred in suppressing insurrection and rebellion against the United States, including the debt for. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Breach* of the peace, shall be privileged from arrest while attending the session, and in going to and returning from the same. Senators and Representatives, except for treason, felony, and—Art. 1, Sec. 6, Cl. 1.

Bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason—Art. 2, Sec. 4, Cl. —.

C.

Capital or otherwise infamous crime, unless on indictment of a grand jury, except in certain specified cases. No person shall be held to answer for a. [Amendments]—Art. 5, Sec. —, Cl. —.

Capitation or other direct tax shall be laid unless in proportion to the census or enumeration. No—Art. 1, Sec. 9, Cl. 4.

Captures on land and water. Congress shall make rules concerning—Art. 1, Sec. 8, Cl. 11.

Casting vote. The Vice-President shall have no vote unless the Senate be equally divided—Art. 1, Sec. 3, Cl. 4.

Census or enumeration of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter—Art. 1, Sec. 2, Cl. 3.

Census or enumeration. No capitation or other direct tax shall be laid except in proportion to the—Art. 1, Sec. 9, Cl. 4.

Chief Justice shall preside when the President of the United States is tried upon impeachment. The—Art. 1, Sec. 3, Cl. 6.

Choosing the electors and the day on which they shall give their votes, which shall be the same throughout the United States. Congress may determine the time of—Art. 2, Sec. 1, Cl. 3.

Citizen of the United States at the adoption of the Constitution shall be eligible to the office of President. No person not a natural-born—Art. 2, Sec. 1, Cl. 4.

Citizen of the United States. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a—Art. 1, Sec. 3, Cl. 3.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a—Art. 1, Sec. 2, Cl. 1.

Citizenship. Citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States—Art. 4, Sec. 2, Cl. 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]—Art. 14, Sec. 1, Cl. —.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]—Art. 14, Sec. 1, Cl. —.

Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]—Art. 14, Sec. 1, Cl. —.

Nor deny to any person within its jurisdiction the equal protection of the laws. [Amendments]—Art. 14, Sec. 1, Cl. —.

Citizens or Subjects of a foreign state. The judicial power of the United States shall not extend to suits in law or equity brought against one of the States by the citizens of another State, or by. [Amendments]—Art. 11, Sec. —, Cl. —.

Civil officers of the United States shall, on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors, be removed. All—Art. 2, Sec. 4, Cl. —.

Claims of the United States or any particular State in the territory or public property. Nothing in this Constitution shall be construed to pre-judice—Art. 4, Sec. 3, Cl. 2.

Classification of Senators. Immediately after they shall be assembled after election, they shall be divided as equally as may be into three classes—Art. 1, Sec. 3, Cl. 2.

- Classification of Senators.* The seats of the Senators of the first class shall be vacated at the expiration of the second year.—Art. 1, Sec. 3, Cl. 2.
- The seats of the Senators of the second class at the expiration of the fourth year—Art. 1, Sec. 3, Cl. 2.
- The seats of the Senators of the third class at the expiration of the sixth year—Art. 1, Sec. 3, Cl. 2.
- Coin* a tender in payment of debts. No State shall make anything but gold and silver—Art. 1, Sec. 10, Cl. 1.
- Coin* money and regulate the value thereof and of foreign coin. Congress shall have power to—Art. 1, Sec. 8, Cl. 5.
- Coin* of the United States. Congress shall provide for punishing the counterfeiting the securities and current—Art. 1, Sec. 8, Cl. 6.
- Color*, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race. [Amendments]—Art. 15, Sec. 1, Cl. —.
- Comfort.* Treason against the United States shall consist in levying war against them, and giving their enemies aid and—Art. 3, Sec. 3, Cl. 1.
- Commander-in-chief* of the Army and Navy, and of the militia when in actual service. The President shall be—Art. 2, Sec. 2, Cl. 1.
- Commerce* with foreign nations, among the States, and with Indian tribes. Congress shall have power to regulate—Art. 1, Sec. 8, Cl. 3.
- Commerce or revenue.* No preference shall be given to the ports of one State over those of another by any regulation of—Art. 1, Sec. 9 Cl. 6.
- Vessels clearing from the ports of one State shall not pay duties in those of another—Art. 1, Sec. 9, Cl. 6.
- Commissions* to expire at the end of the next session. The President may fill vacancies that happen in the recess of the Senate by granting—Art. 2, Sec. 2, Cl. 3.
- Common defense*, promote the general welfare, &c. To insure the. [Preamble]—Art. —, Sec. —, Cl. —.
- Common defense* and general welfare. Congress shall have power to provide for the—Art. 1, Sec. 8, Cl. 1.
- Common law*, where the amount involved exceeds twenty dollars, shall be tried by jury. Suits at. [Amendments]—Art. 7, Sec. —, Cl. —.
- No fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the. [Amendments]—Art. 7, Sec. —, Cl. —.
- Compact* with another State. No State shall, without the consent of Congress, enter into any agreement or—Art. 1, Sec. 10, Cl. 3.
- Compact* with a foreign power. No State shall, without the consent of Congress, enter into any agreement or—Art. 1, Sec. 10, Cl. 3.
- Compensation* of Senators and Representatives to be ascertained by law—Art. 1, Sec. 6, Cl. 1.
- Compensation* of the President shall not be increased nor diminished during the period for which he shall be elected—Art. 2, Sec. 1, Cl. 6.
- Compensation* of the Judges of the Supreme and inferior courts shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- Compensation.* Private property shall not be taken for public use without just. [Amendment]—Art. 5, Sec. —, Cl. —.
- Compulsory process* for obtaining witnesses in his favor. In criminal prosecutions the accused shall have. [Amendments]—Art. 6, Sec. —, Cl. —.
- Confederation.* No State shall enter into any treaty, alliance, or—Art. 1, Sec. 10, Cl. 1.
- Confederation.* All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States under it, as under the—Art. 6, Sec. —, Cl. 1.

- Confession* in open court. Conviction of treason shall be on the testimony of two persons to the overt act, or upon—Art. 3, Sec. 3, Cl. 1.
- Congress* of the United States. All legislative powers shall be vested in a—
Art. 1, Sec. 1, Cl. —.
- Shall consist of a Senate and House of Representatives—Art. 1, Sec. 1, Cl. —.
- Shall assemble at least once in every year, which shall be on the first Monday of December, unless they by law appoint a different day—Art. 1, Sec. 4, Cl. 2.
- May at any time alter regulations for elections of Senators and Representatives, except as to the places of choosing Senators—Art. 1, Sec. 4, Cl. 1.
- Each House shall be the judge of the elections, returns, and qualifications of its own members—Art. 1, Sec. 5, Cl. 1.
- A majority of each House shall constitute a quorum to do business—Art. 1, Sec. 5, Cl. 1.
- A smaller number may adjourn from day to day, and compel the attendance of absent members—Art. 1, Sec. 5, Cl. 1.
- Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member—Art. 1, Sec. 5, Cl. 2.
- Each House shall keep a journal of its proceedings—Art. 1, Sec. 5, Cl. 3.
- Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days—Art. 1, Sec. 5, Cl. 4.
- Senators and Representatives shall receive a compensation to be ascertained by law—Art. 1, Sec. 6, Cl. 1.
- They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at their respective Houses, and in going to and returning from the same—Art. 1, Sec. 6, Cl. 1.
- No Senator or Representative shall, during his term, be appointed to any civil office which shall have been created, or of which the emoluments shall have been increased, during such term—Art. 1, Sec. 6, Cl. 2.
- No person holding any office under the United States, shall, while in office, be a member of either House of Congress—Art. 1, Sec. 6, Cl. 2.
- All bills for raising revenue shall originate in the House of Representatives—Art. 1, Sec. 7, Cl. 1.
- Proceedings in cases of bills returned by the President with his objections—Art. 1, Sec. 7, Cl. 2.
- Shall have power to lay and collect duties, imposts, and excises, pay the debts, and provide for the common defense and general welfare—Art. 1, Sec. 8, Cl. 1.
- Shall have power to borrow money on the credit of the United States—Art. 1, Sec. 8, Cl. 2.
- Congress* of the United States. To regulate foreign and domestic commerce, and with the Indian tribes—Art. 1, Sec. 8, Cl. 3.
- To establish uniform rule of naturalization and uniform laws on the subject of bankruptcies—Art. 1, Sec. 8, Cl. 4.
- To coin money, regulate its value and the value of foreign coin, and to fix the standard of weights and measures—Art. 1, Sec. 8, Cl. 5.
- To punish the counterfeiting the securities and current coin of the United States—Art. 1, Sec. 8, Cl. 6.
- To establish post-offices and post-roads—Art. 1, Sec. 8, Cl. 7.
- To promote the progress of science and the useful arts—Art. 1, Sec. 8, Cl. 8.
- To constitute tribunals inferior to the Supreme Court—Art. 1, Sec. 8, Cl. 9.

- To define and punish piracies and felonies on the high seas and to punish offenses against the law of nations—Art. 1, Sec. 8, Cl. 10.
- To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water—Art. 1, Sec. 8, Cl. 11.
- To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years—Art. 1, Sec. 8, Cl. 12.
- To provide and maintain a Navy—Art. 1, Sec. 8, Cl. 13.
- To make rules for the government of the Army and Navy—Art. 1, Sec. 8, Cl. 14.
- To call out the militia to execute the laws, suppress insurrections, and repel invasions—Art. 1, Sec. 8, Cl. 15.
- To provide for organizing, arming, and equipping the militia—Art. 1, Sec. 8, Cl. 16.
- To exercise exclusive legislation over the District fixed for the seat of government, and over forts, magazines, arsenals, and dockyards—Art. 1, Sec. 8, Cl. 17.
- To make all laws necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States—Art. 1, Sec. 8, Cl. 18.
- No person holding any office under the United States shall accept of any present, emolument, office, or title of any kind from any foreign state, without the consent of—Art. 1, Sec. 9, Cl. 8.
- May determine the time of choosing the electors of President and Vice-President and the day on which they shall give their votes—Art. 2, Sec. 1, Cl. 3.
- The President may, on extraordinary occasions, convene either House of—Art. 2, Sec. 3, Cl. —.
- The manner in which the acts, records, and judicial proceedings of the States shall be prescribed by—Art. 4, Sec. 1, Cl. —.
- New States may be admitted by Congress into this Union—Art. 4, Sec. 3, Cl. 1.
- Shall have power to make all needful rules and regulations respecting the territory or other property belonging to the United States—Art. 4, Sec. 3, Cl. 2.
- Amendments to the Constitution shall be proposed whenever it shall be deemed necessary by two-thirds of both Houses of—Art. 5, Sec. —, Cl. —.
- Persons engaged in insurrection or rebellion against the United States disqualified for Senators or Representatives in. [Amendments]—Art. 14, Sec. 3, Cl. —.
- But such disqualification may be removed by a vote of two-thirds of both Houses of. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Shall have power to enforce, by appropriate legislation, the thirteenth amendment. [Amendments]—Art. 13, Sec. 2, Cl. —.
- Shall have power to enforce, by appropriate legislation, the fourteenth amendment. [Amendments]—Art. 14, Sec. 5, Cl. —.
- Shall have power to enforce, by appropriate legislation, the fifteenth amendment. [Amendments]—Art. 15, Sec. 2, Cl. —.
- Consent.* No State shall be deprived of its equal suffrage in the Senate, without its—Art. 5, Sec. —, Cl. —.
- Consent of Congress.* No person holding any office of profit or trust under the United States shall accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign potentate, without the—Art. 1, Sec. 9, Cl. 8.
- No State shall lay any imposts, or duties on imports, except what may be absolutely necessary for executing its inspection laws, without the—Art. 1, Sec. 10, Cl. 2.
- No State shall lay any duty of tonnage, keep troops or ships of war in time of peace, without the—Art. 1, Sec. 10, Cl. 3.
- No State shall enter into any agreement or compact with another State, or with a foreign power, without the—Art. 1, Sec. 10, Cl. 3.

- No State shall engage in war unless actually invaded, or in such imminent danger as will not admit of delay, without the—Art. 1, Sec. 10, Cl. 3.
- No new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures thereof, as well as the—Art. 4, Sec. 3, Cl. 1.
- Consent* of the Legislature of the State in which the same may be. Congress shall exercise exclusive authority over all places purchased for the erection of forts, magazines, arsenals, dockyards, and other needful buildings by the—Art. 1, Sec. 8, Cl. 17.
- Consent* of the Legislatures of the States and of Congress. No States shall be formed by the junction of two or more States or parts of States without the—Art. 4, Sec. 3, Cl. 1.
- Consent of the other.* Neither House, during the session of Congress, shall adjourn for more than three days, nor to any other place than that in which they shall be sitting, without the—Art. 1, Sec. 5, Cl. 4.
- Consent of the owner.* No soldier shall be quartered in time of peace in any house without the. [Amendment]—Art. 3, Sec. —, Cl. —.
- Consent of the Senate.* The President shall have power to make treaties, by and with the advice and—Art. 2, Sec. 2, cl. 2.
- The President shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers created by law and not otherwise herein provided for, by and with the advice and—Art. 2, Sec. 2, Cl. 2.
- Constitution*, in the Government of the United States, or in any department or officer thereof. Congress shall have power to pass all laws necessary to the execution of the powers vested by the—Art. 1, Sec. 8, Cl. 18.
- Constitution*, shall be eligible to the office of President. No person except a natural-born citizen, or a citizen at the time of the adoption of the—Art. 2, Sec. 1, Cl. 4.
- Constitution.* The President, before he enters upon the execution of his office, shall take an oath to preserve, protect, and defend the—Art. 2, Sec. 1, Cl. 7.
- Constitution*, laws, and treaties of the United States. The judicial power shall extend to all cases arising under the—Art. 3, Sec. 2, Cl. 1.
- Constitution* shall be so construed as to prejudice any claims of the United States, or of any State (in respect to territory or other property of the United States). Nothing in the—Art. 4, Sec. 3, Cl. 2.
- Constitution.* The manner in which amendments may be proposed and ratified—Art. 5, Sec. —, Cl. —.
- Constitution* as under the Confederation shall be valid. All debts and engagements contracted before the adoption of the—Art. 6, Sec. —, Cl. 1.
- Constitution* and the laws made in pursuance thereof, and all treaties made, or which shall be made, by the United States, shall be the supreme law of the land. The—Art. 6, Sec. —, Cl. 2.
- The judges in every State, anything in the constitution or laws of a State to the contrary notwithstanding, shall be bound thereby—Art. 6, Sec. —, Cl. 2.
- Constitution.* All officers, legislative, executive, and judicial, of the United States, and of the several States, shall be bound by an oath to support the—Art. 6, Sec. —, Cl. 3.
- But no religious test shall ever be required as a qualification for any office or public trust—Art. 6, Sec. —, Cl. 3.
- Constitution* between the States so ratifying the same. The ratification of the conventions of nine States shall be sufficient for the establishment of the—Art. 7, Sec. —, Cl. —.
- Constitution*, of certain rights, shall not be construed to deny or disparage others retained by the people. The enumeration in the. [Amendments]—Art. 9, Sec. —, Cl. —.

- Constitution*, nor prohibited by it to the States, are reserved to the State respectively or to the people. Powers not delegated to the United States by the. [Amendments]—Art. 10, Sec. —, Cl. —.
- Constitution*, and then engaged in rebellion against the United States. Disqualification for office imposed upon certain class of persons who took an oath to support the. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Constitution*. Done in convention by the unanimous consent of the States present, September 17, 1787—Art. 7, Sec. —, Cl. 2.
- Contracts*. No State shall pass any ex post facto law, or law impairing the obligation of—Art. 1, Sec. 10, Cl. 1.
- Controversies* to which the United States shall be a party: between two or more states; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; between a State or its citizens and foreign states, citizens, or subjects. The judicial power shall extend to—Art. 3, Sec. 2, Cl. 1.
- Convene Congress* or either House, on extraordinary occasions. The President may—Art. 2, Sec. 3, Cl. —.
- Convention* for proposing amendments to the Constitution. Congress on the application of two-thirds of the legislatures of the States, may call a—Art. 5, Sec. —, Cl. —.
- Convention*, by the unanimous consent of the States present on the 17th of September, 1787. Adoption of the Constitution in—Art. 7, Sec. —, Cl. 2.
- Conventions* of nine States shall be sufficient for the establishment of the Constitution. The ratification of the—Art. 7, Sec. —, Cl. —.
- Conviction* in cases of impeachment shall not be had without the concurrence of two-thirds of the members present—Art. 1, Sec. 3, Cl. 7.
- Copyrights* to authors for limited times. Congress shall have power to provide for—Art. 1, Sec. 8, Cl. 8.
- Corruption of blood*. Attainder of treason shall not work—Art. 3, Sec. 3, Cl. 2.
- Counsel* for his defense. In all criminal prosecutions the accused shall have the assistance of. [Amendments]—Art. 6, Sec. —, Cl. —.
- Counterfeiting* the securities and current coin of the United States. Congress shall provide for the punishment of—Art. 1, Sec. 8, Cl. 6.
- Courts*. Congress shall have power to constitute tribunals inferior to the Supreme Court—Art. 1, Sec. 8, Cl. 9.
- Courts of law*. Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the heads of departments, or in the—Art. 2, Sec. 2, Cl. 2.
- Courts* as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such inferior—Art. 3, Sec. 1, Cl. —.
- Courts*. The judges of the Supreme and inferior courts shall hold their offices during good behavior—Art. 3, Sec. 1, Cl. —.
- Their compensation shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- Credit*. No State shall emit bills of—Art. 1, Sec. 10, Cl. 1.
- Credit* of the United States. Congress shall have power to borrow money on the—Art. 1, Sec. 8, Cl. 2.
- Credit* shall be given in every other State to the public acts, records, and judicial proceedings of each State. Full faith and—Art. 4, Sec. 1, Cl. —.
- Crime*, unless on a presentment of a grand jury. No person shall be held to answer for a capital or otherwise infamous. [Amendments]—Art. 5, Sec. —, Cl. —.
- Except in cases in the military and naval forces, or in the militia when in active service. [Amendments]—Art. 5, Sec. —, Cl. —.
- Crimes and misdemeanors*. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other—Art. 2, Sec. 4, Cl. —.

- Crimes*, except in cases of impeachment, shall be tried by jury. All—Art. 3, Sec. 2, Cl. 3.
 They shall be tried in the State within which they may be committed—Art. 3, Sec. 2, Cl. 3.
 When not committed in a State, they shall be tried at the places which Congress may by law have provided—Art. 3, Sec. 2, Cl. 3.
- Criminal prosecutions*, the accused shall have a speedy and public trial by jury in the State and district where the crime was committed. In all. [Amendments]—Art. 6, Sec. —, Cl. —.
 He shall be informed of the nature and cause of the accusation. [Amendments]—Art. 6, Sec. —, Cl. —.
 He shall be confronted with the witnesses against him. [Amendments]—Art. 6, Sec. —, Cl. —.
 He shall have compulsory process for obtaining witnesses in his favor. [Amendments]—Art. 6, Sec. —, Cl. —.
 He shall have the assistance of counsel in his defense. [Amendments]—Art. 6, Sec. —, Cl. —.
- Criminate himself*. No person as a witness shall be compelled to. [Amendments]—Art. 5, Sec. —, Cl. —.
- Cruel and unusual punishments* inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor. [Amendments]—Art. 8, Sec. —, Cl. —.

D.

- Danger* as will not admit of delay. No state shall, without the consent of Congress, engage in war, unless actually invaded, or in such imminent—Art. 1, Sec. 10, Cl. 3.
- Day* on which they shall vote for President and Vice-President, which shall be the same throughout the United States. Congress may determine the time of choosing the electors, and the—Art. 2, Sec. 1, Cl. 3.
- Day to Day*, and may be authorized to compel the attendance of absent members. A smaller number than a quorum of each House may adjourn from—Art. 1, Sec. 5, Cl. 1.
- Death*, resignation, or inability of the President, the powers and duties of his office shall devolve on the Vice-President. In case of the—Art. 2, Sec. 1, Cl. 5.
- Death*, resignation or inability of the President. Congress may provide by law for the case of the removal—Art. 2, Sec. 1, Cl. 5.
- Debt* of the United States, including debts for pensions and bounties incurred in suppressing insurrection or rebellion, shall not be questioned. The validity of the public. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Debts*. No State shall make anything but gold and silver coin a tender in payment of—Art. 1, Sec. 10, Cl. 1.
- Debts* and provide for the common defense and general welfare of the United States. Congress shall have power to pay the—Art. 1, Sec. 8, Cl. 1.
- Debts* and engagements contracted before the adoption of this Constitution shall be as valid against the United States, under it, as under the Confederation—Art. 6, Sec. —, Cl. 1.
- Debts* or obligations incurred in aid of insurrection or rebellion against the United States, or claims for the loss or emancipation of any slave. Neither the United States nor any State shall assume or pay any. [Amendments]—Art. 14, Sec. 4, Cl. —
- Declare war*, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to—Art. 1, Sec. 8, Cl. 11.

- Defense*, promote the general welfare, &c. To insure the common. [Preamble]—Art. —, Sec. —, Cl. —.
- Defense* and general welfare throughout the United States. Congress shall have power to pay the debts and provide for the common—Art. 1, Sec. 8, Cl. 1.
- Defense*. In all criminal prosecutions the accused shall have the assistance of counsel for his. [Amendments]—Art. 6, Sec.—, Cl.—.
- Delaware* entitled to one Representative in the first Congress—Art. 1, Sec. 2, Cl. 3.
- De'ay*. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of—Art. 1, Sec. 10, Cl. 3.
- Delegated* to the United States, nor prohibited to the States, are reserved to the States or to the people. The powers not. [Amendments]—Art. 10, Sec.—, Cl.—.
- Deny or disparage* others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to. [Amendments]—Art. 9, Sec.—, Cl.—.
- Departments* upon any subject relating to their duties. The President may require the written opinion of the principal officers in each of the executive—Art. 2, Sec. 2, Cl. 1.
- Departments*. Congress may by law vest the appointment of inferior officers in the heads of—Art. 2, Sec. 2, Cl. 2.
- Direct tax* shall be laid unless in proportion to the census or enumeration. No capitation or other—Art. 1, Sec. 9, Cl. 4.
- Direct taxes* and Representatives, how apportioned among the several States. [Repealed by the second section of the fourteenth amendment]—Art. 1, Sec. 2, Cl. 3.
- Disability* of the President and Vice-President. Provisions in case of the—Art. 2, Sec. 1, Cl. 5.
- Disability*. No person shall be a Senator or Representative in Congress or presidential elector, or hold any office, civil or military, under the United States, or any State, who having previously taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, to support the Constitution, afterward engaged in insurrection or rebellion against the United States. [Amendments] Art. 14, Sec. 3, Cl.—.
- But Congress may, by a vote of two-thirds of each House, remove such. [Amendments]—Art. 14, Sec. 3, Cl.—.
- Disagreement* between the two Houses as to the time of adjournment, the President may adjourn them to such time as he may think proper. In case of—Art. 2, Sec. 3, Cl.—.
- Disorderly behavior*. Each House may punish its members for—Art. 1, Sec. 5, Cl. 2.
- And with the concurrence of two-thirds expel a member—Art. 1, Sec. 5, Cl. 2.
- Disparage* others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to deny or. [Amendments]—Art. 9, Sec.—, Cl.—.
- Disqualification*. No Senator or Representative shall, during the time for which he was elected, be appointed to any office under the United States which shall have been created or its emoluments increased during such term—Art. 1, Sec. 6, Cl. 2.
- No person holding any office under the United States shall be a member of either House during his continuance in office—Art. 1, Sec. 6, Cl. 2.
- No person shall be a member of either House, presidential elector, or hold any office under the United States, or any State, who, having previously sworn to support the Constitution, afterward engaged in insurrection or rebellion. [Amendments]—Art. 14, Sec. 3, Cl.—.
- Disqualification*. But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]—Art. 14, Sec. 3, Cl.—.

- District of Columbia.* Congress shall exercise exclusive legislation in all cases over the—Art. 1, Sec. 8, Cl. 17.
- Dockyards.* Congress shall have exclusive authority over all places purchased for the erection of—Art. 1, Sec. 8, Cl. 17.
- Domestic tranquillity,* provide for the common defense, &c. To insure. [Preamble]—Art.—, Sec.—, Cl.—.
- Domestic violence.* The United States shall protect each State against invasion and—Art. 4, Sec. 4, Cl.—.
- Due process of law.* No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without. [Amendments]—Art. 5, Sec.—, Cl.—.
- No State shall deprive any person of life, liberty, or property without. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Duties and powers* of the office of President, in case of his death, removal, or inability to act, shall devolve on the Vice-President—Art. 2, Sec. 1, Cl. 5.
- In case of the disability of the President and Vice-President, Congress shall declare what officer shall act—Art. 2, Sec. 1, Cl. 5.
- Duties, imports, and excises.* Congress shall have power to lay and collect taxes—Art. 1, Sec. 8, Cl. 1.
- Shall be uniform throughout the United States—Art. 1, Sec. 8, Cl. 1.
- Duties* shall be laid on articles exported from any State. No tax or—Art. 1, Sec. 9, Cl. 5.
- Duties* in another State. Vessels clearing in the ports of one State shall not be obliged to pay—Art. 1, Sec. 9, Cl. 6.
- On imports and exports, without the consent of Congress, except where necessary for executing its inspection laws. No State shall lay any—Art. 1, Sec. 10, Cl. 2.
- The net produce of all such duties shall be for the use of the Treasury of the United States—Art. 1, Sec. 10, Cl. 2.
- All laws laying such duties shall be subject to the revision and control of Congress—Art. 1, Sec. 10, Cl. 2.
- Duty of tonnage* without the consent of Congress. No State shall lay any—Art. 1, Sec. 10, Cl. 3.

E.

- Election* of President and Vice-President. Congress may determine the day for the—Art. 2, Sec. 1, Cl. 3.
- Shall be the same throughout the United States. The day of the—Art. 2, Sec. 1, Cl. 3.
- Elections* for Senators and Representatives. The legislatures of the States shall prescribe the times, places, and manner of holding—Art. 1, Sec. 4, Cl. 1.
- But Congress may, at any time, alter such regulations, except as to the places of choosing Senators—Art. 1, Sec. 4, Cl. 1.
- Returns and qualifications of its own members. Each House shall be the judge of the—Art. 1, Sec. 5, Cl. 1.
- Electors* for members of the House of Representatives. Qualifications of—Art. 1, Sec. 2, Cl. 1.
- Electors* for President and Vice-President. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress—Art. 2, Sec. 1, Cl. 2.
- But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector—Art. 2, Sec. 1, Cl. 2.
- Congress may determine the time of choosing the electors and the day on which they shall give their votes—Art. 2, Sec. 1, Cl. 3.

- Which day shall be the same throughout the United States—Art. 2, Sec. 1, Cl. 3.
- The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]—Art. 12, Sec. —, Cl. —.
- Electors* shall name, in their ballots, the person voted for as President; and in distinct ballots the person voted for as Vice-President. [Amendments]—Art. 12, Sec. —, Cl. —.
- They shall make distinct lists of the persons voted for as President and of persons voted for as Vice-President, which they shall sign and certify, and transmit sealed to the seat of government, directed to the President of the Senate. [Amendments]—Art. 12, Sec. —, Cl. —.
- No person having taken an oath as a legislative, executive or judicial officer of the United States, or of any State, and afterwards engaged in insurrection or rebellion against the United States, shall be an elector—Art. 14, Sec. 3, Cl. —.
- But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Emancipation* of any slave shall be held to be illegal and void. Claims for the loss or. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Emitt bills of credit.* No State shall—Art. 1, Sec. 10, Cl. 1.
- Emolument* of any kind from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept any—Art. 1, Sec. 9, Cl. 8.
- Enemies.* Treason shall consist in levying war against the United States, in adhering to, or giving aid and comfort to their—Art. 3, Sec. 3, Cl. 1.
- Engagements* contracted before the adoption of this Constitution shall be valid. All debts and—Art. 6, Sec. —, Cl. 1.
- Enumeration* of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter—Art. 1, Sec. 2, Cl. 3.
- Ratio of representation not to exceed one for every 30,000 until the first enumeration shall be made—Art. 1, Sec. 2, Cl. 3.
- Enumeration* in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The [Amendments]—Art. 9, Sec. —, Cl. —.
- Equal protection* of the laws. No State shall deny to any person within its jurisdiction the. [Amendments]—Art. 14, Sec. 1, Cl. —.
- Equal suffrage* in the Senate. No State shall be deprived without its consent, of its—Art. 5, Sec. —, Cl. —.
- Establishment* of this Constitution between the States ratifying the same. The ratification of nine States shall be sufficient for the—Art. 7, Sec. —, Cl. —.
- Excessive bail* shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Amendments]—Art. 8, Sec. —, Cl. —.
- Excises.* Congress shall have power to lay and collect taxes, duties, imposts, and—Art. 1, Sec. 8, Cl. 1.
- Shall be uniform throughout the United States. All duties, imposts, and—Art. 1, Sec. 8, Cl. 1.
- Exclusive legislation*, in all cases, over such districts as may become the seat of government. Congress shall exercise—Art. 1, Sec. 8, Cl. 17.
- Over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise—Art. 1, Sec. 8, Cl. 17.
- Executive of a State.* The United States shall protect each State against invasion and domestic violence, on the application of the legislature or the—Art. 4, Sec. 4, Cl. —.
- Executive and judicial officers* of the United States and of the several States

- shall be bound by an oath to support the Constitution—Art. 6, Sec. —, Cl. 3.
- Executive departments.* On subjects relating to their duties the President may require the written opinions of the principal officers in each of the—Art. 2, Sec. 2, Cl. 1.
- Congress may by law vest the appointment of inferior officers in the heads of—Art. 2, Sec. 2, Cl. 2.
- Executive power* shall be vested in a President of the United States of America. The—Art. 2, Sec. 1, Cl. 1.
- Expel a member.* Each House, with the concurrence of two thirds, may—Art. 1, Sec. 5, Cl. 2.
- Expenditures* of public money shall be published from time to time. A regular statement of the receipts and—Art. 1, Sec. 9, Cl. 7.
- Exportations* from any State. No tax or duty shall be laid on—Art. 1, Sec. 9, Cl. 5.
- Exports or imports*, except upon certain conditions. No State shall, without the consent of Congress, lay any duties on—Art. 1, Sec. 10, Cl. 2.
- Laid by any States, shall be for the use of the Treasury. The net produce of all duties on—Art. 1, Sec. 10, Cl. 2
- Shall be subject to the revision and control of Congress. All laws of the States laying duties on—Art. 1, Sec. 10, Cl. 2.
- Ex post facto law* shall be passed. No bill of attainder or—Art. 1, Sec. 9, Cl. 3.
- Ex post facto law*, or law impairing the obligation of contracts. No State shall pass any bill of attainder—Art. 1, Sec. 10, Cl. 1.
- Extraordinary occasions.* The President may convene both houses, or either House of Congress, on—Art. 2, Sec. 3, Cl. —.

F.

- Faith* and credit in each State shall be given to the acts, records, and judicial proceedings of another State. Full—Art. 4, Sec. 1, Cl. —.
- Felony*, and breach of the peace. Members of Congress shall not be privileged from arrest for treason—Art. 1, Sec. 6, Cl. 1.
- Felonies* committed on the high seas. Congress shall have power to define and punish piracies and—Art. 1, Sec. 8, Cl. 10.
- Fines.* Excessive fines shall not be imposed. [Amendments]—Art. 8, Sec. —, Cl. —.
- Foreign coin.* Congress shall have power to coin money, fix the standard of weights and measures, and to regulate the value of—Art. 1, Sec. 8, Cl. 5.
- Foreign nations*, among the States, and with the Indian tribes. Congress shall have power to regulate commerce with—Art. 1, Sec. 8, Cl. 3.
- Foreign power.* No State shall, without the consent of Congress, enter into any compact or agreement with any—Art. 1, Sec. 10, Cl. 3.
- Forfeiture*, except during the life of the person attainted. Attainder of treason shall not work—Art. 3, Sec. 3, Cl. 2.
- Formation* of new States. Provisions relating to the—Art. 4, Sec. 3, Cl. 1.
- Form of government.* The United States shall guarantee to every State in this Union a republican—Art. 4, Sec. 4, Cl. —.
- And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence—Art. 4, Sec. 4, Cl. —.
- Forts*, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise exclusive authority over all places purchased for the erection of—Art. 1, Sec. 8, Cl. 17.

- Freedom of speech or the press.* Congress shall make no law abridging the. [Amendments]—Art. 1, Sec. —, Cl. —.
- Free State*, the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a. [Amendments]—Art. 2, Sec. —, Cl. —.
- Fugitives from crime found in another State* shall, on demand, be delivered up to the authorities of the State from which they may flee—Art. 4, Sec. 2, Cl. 2.
- Fugitives from service or labor in one State, escaping into another State*, shall be delivered up to the party to whom such service or labor may be due—Art. 4, Sec. 2, Cl. 3.

G.

- General welfare* and secure the blessings of liberty, &c. To promote the. [Preamble]—Art. —, Sec. —, Cl. —.
- General welfare.* Congress shall have power to provide for the common defense and—Art. 1, Sec. 8, Cl. 1.
- Georgia* shall be entitled to three Representatives in the First Congress—Art. 1, Sec. 2, Cl. 3.
- Gold and silver* coin a tender in payment of debts. No State shall make anything but—Art. 1, Sec. 10, Cl. 1.
- Good behavior.* The judges of the Supreme and inferior courts shall hold their offices during—Art. 3, Sec. 1, Cl. —.
- Government.* The United States shall guarantee to every State in this Union a republican form of—Art. 4, Sec. 4, Cl. —.
- And shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence. Art. 4, Sec. 4, Cl. —.
- Grand jury.* No person shall be held to answer for a capital or otherwise infamous crime, unless on the presentment of a. [Amendments]—Art. 5, Sec. —, Cl. —.
- Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]—Art. 5, Sec. —, Cl. —.
- Guarantee* to every State in this Union a republican form of government. The United States shall—Art. 4, Sec. 4, Cl. —.
- And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence—Art. 4, Sec. 4, Cl. —.

H.

- Habeas corpus* shall not be suspended unless in cases of rebellion or invasion The writ of—Art. 1, Sec. 9, Cl. 2.
- Heads of departments.* Congress may, by law, vest the appointment of inferior officers in the—Art. 2, Sec. 2, Cl. 2.
- On any subject relating to their duties, the President may require the written opinion of the principal officers in each of the executive departments—Art. 2, Sec. 2, Cl. 1.
- High crimes and misdemeanors.* The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other—Art. 2, Sec. 4, Cl. —.
- House of Representatives.* Congress shall consist of a Senate and—Art. 1, Sec. 1, Cl. —.
- Shall be composed of members chosen every second year—Art. 1, Sec. 2, Cl. 1.

- Qualifications of electors for members of the—Art. 1, Sec. 2, Cl. 1.
 No person shall be a member who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States—Art. 1, Sec. 2, Cl. 2.
 The executives of the several States shall issue writs of election to fill vacancies in the—Art. 1, Sec. 2, Cl. 4.
 Shall choose their Speaker and other officers—Art. 1, Sec. 2, Cl. 5.
 Shall have the sole power of impeachment—Art. 1, Sec. 2, Cl. 5.
 Shall be the judge of the elections, returns, and qualifications of its own members—Art. 1, Sec. 5, Cl. 1.
 A majority shall constitute a quorum to do business—Art. 1, Sec. 5, Cl. 1.
 Less than a majority may adjourn from day to day, and compel the attendance of absent members—Art. 1, Sec. 5, Cl. 1.
 May determine its own rules of proceedings—Art. 1, Sec. 5, Cl. 2.
 May punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member—Art. 1, Sec. 5, Cl. 2.
 Shall keep a journal of its proceedings—Art. 1, Sec. 5, Cl. 3.
 Shall not adjourn for more than three days during the session of Congress without the consent of the Senate—Art. 1, Sec. 5, Cl. 4.
 Members shall not be questioned for any speech or debate in either House or in any other place—Art. 1, Sec. 6, Cl. 1.
 No person holding any office under the United States shall, while holding such office, be a member of the—Art. 1, Sec. 6, Cl. 2.
 No person, while a member of either House, shall be appointed to an office which shall have been created or the emoluments increased during his membership—Art. 1, Sec. 6, Cl. 2.
 All bills for raising revenue shall originate in the—Art. 1, Sec. 7, Cl. 1.
 The votes for President and Vice-President shall be counted in the presence of the Senate and. [Amendments]—Art. 12, Sec.—, Cl.—.
 If no person have a majority of electoral votes; then from the three highest on the list the House of Representatives shall immediately, by ballot, choose a President. [Amendments]—Art. 12, Sec.—, Cl.—.
 They shall vote by States, each State counting one vote. [Amendments.] Art. 12, Sec.—, Cl.—.
 A quorum shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to the choice of a President. [Amendments]—Art. 12, Sec.—, Cl.—.
 No person having as a legislative, executive, or judicial officer of the United States, or of any State, taken an oath to support the Constitution, and afterwards engaged in insurrection or rebellion against the United States, shall be a member of the. [Amendments]—Art. 14, Sec. 3, Cl.—.
 But Congress may, by a vote of two thirds of each House, remove such disability. [Amendments.]—Art. 14, Sec. 3, Cl.—.

I.

- Imminent danger* as will not admit of delay. No State shall, without the consent of Congress, engage in war, unless actually invaded or in such.—Art. 1, Sec. 10, Cl. 3.
Immunities. Members of Congress shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going and returning from the same.—Art. 1, Sec. 6, Cl. 1.
 No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments.]—Art. 3, Sec.—, Cl.—.
Immunities. No person shall be twice put in jeopardy of life and limb for the same offence. [Amendments]—Art. 5, Sec.—, Cl.—.

- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]—Art. 14, Sec. 1, Cl. —.
- No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]—Art. 14, Sec. 1, Cl. —.
- Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]—Art. 14, Sec. 1, Cl. —.
- Nor deny to any person within its jurisdiction the equal protection of the law. [Amendments]—Art. 14, Sec. 1, Cl. —.
- Impeachment.* The President may grant reprieves and pardons except in cases of—Art. 2, Sec. 2, Cl. 1.
- The House of Representatives shall have the sole power of—Art. 1, Sec. 2, Cl. 5.
- Impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors.* The President, Vice-President, and all civil officers shall be removed upon—Art. 2, Sec. 4, Cl. —.
- Impeachments.* The Senate shall have the sole power to try all—Art. 1, Sec. 3, Cl. 6.
- The Senate shall be on oath, or affirmation, when sitting for the trial of—Art. 1, Sec. 3, Cl. 6.
- When the President of the United States is tried the Chief Justice shall preside—Art. 1, Sec. 3, Cl. 6.
- No person shall be convicted without the concurrence of two-thirds of the members present—Art. 1, Sec. 3, Cl. 6.
- Judgment shall not extend beyond removal from office and disqualification to hold office—Art. 1, Sec. 3, Cl. 7.
- But the party convicted shall be liable to indictment and punishment according to law—Art. 1, Sec. 3, Cl. 7.
- Importation of slaves prior to 1808 shall not be prohibited by the Congress*—Art. 1, Sec. 9, Cl. 1.
- But a tax or duty of ten dollars for each person may be imposed on such—Art. 1, Sec. 9, Cl. 1.
- Imports or exports* except what may be absolutely necessary for executing its inspection laws. No State shall, without the consent of Congress, lay any imposts or duties on—Art. 1, Sec. 10, Cl. 2.
- Imports or exports* laid by any State shall be for the use of the Treasury. The net produce of all duties on—Art. 1, Sec. 10, Cl. 2.
- Imports or exports* shall be subject to the revision and control of Congress. All laws of States laying duties on—Art. 1, Sec. 10, Cl. 2.
- Imposts and excises.* Congress shall have power to lay and collect taxes, duties—Art. 1, Sec. 8, Cl. 1.
- Shall be uniform throughout the United States. All taxes, duties—Art. 1, Sec. 8, Cl. 1.
- Inability of the President, the powers and duties of his office shall devolve on the Vice-President.* In case of the death, resignation, or—Art. 2, Sec. 1, Cl. 5.
- Inability of the President or Vice-President.* Congress may provide by law for the case of the removal, death, resignation, or—Art. 2, Sec. 1, Cl. 5.
- Indian tribes.* Congress shall have power to regulate commerce with the—Art. 1, Sec. 8, Cl. 3.
- Indictment or presentment of a grand jury.* No person shall be held to answer for a capital or infamous crime unless on. [Amendments]—Art. 5, Sec. —, Cl. —.
- Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]—Art. 5, Sec. —, Cl. —.
- Indictment, trial, judgment, and punishment, according to law.* The party convicted in case of impeachment shall nevertheless be liable and subject to—Art. 1, Sec. 3, Cl. 7.
- Infamous crime* unless on presentment or indictment of a grand jury. No

- person shall be held to answer for a capital or. [Amendments]—Art. 5, Sec. —, Cl. —.
- Inferior courts.* Congress shall have power to constitute tribunals inferior to the Supreme Court—Art. 1, Sec. 8, Cl. 9.
- Inferior courts* as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such—Art. 3, Sec. 1, Cl. —.
- The judges of both the Supreme and inferior courts shall hold their offices during good behavior—Art. 3, Sec. 1, Cl. —.
- Their compensation shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- Inferior officers* in the courts of law, in the President alone, or in the heads of Departments. Congress, if they think proper, may by law vest the appointment of—Art. 2, Sec. 2, Cl. 2.
- Inhabitant of the State* for which he shall be chosen. No person shall be a Senator who shall not have attained the age of thirty years, been nine years a citizen of the United States, and who shall not, when elected, be an—Art. 1, Sec. 3, Cl. 3.
- Insurrection or rebellion* against the United States. No person shall be a Senator or Representative in Congress, or presidential elector, or hold any office, civil or military, under the United States or any State, who, having taken an oath as a legislative, executive, or judicial officer of the United States, or of a State afterwards engaged in. [Amendments]—Art. 14, Sec. 3, Cl. —.
- But Congress may, by a vote of two-thirds of each House, remove such disabilities. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Insurrection or rebellion* against the United States. Debts declared illegal and void which were contracted in aid of. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Insurrections* and rebel invasions. Congress shall provide for calling forth the militia to suppress—Art. 1, Sec. 8, Cl. 15.
- Invasion.* No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of delay—Art. 1, Sec. 10, Cl. 3.
- Invasion.* The writ of habeas corpus shall not be suspended unless in case of rebellion or—Art. 1, Sec. 9, Cl. 1.
- Invasion* and domestic violence. The United States shall protect each State against—Art. 4, Sec. 4, Cl. —.
- Invasions.* Congress shall provide for calling forth the militia to suppress insurrections and rebel—Art. 1, Sec. 8, Cl. 15.
- Inventors and authors* in their inventions and writings. Congress may pass laws to secure for limited times exclusive rights to—Art. 1, Sec. 8, Cl. 8.
- Involuntary servitude*, except as a punishment for crime, abolished in the United States. Slavery and. [Amendments]—Art. 13, Sec. 1, Cl. —.

J.

- Jeopardy* of life and limb for the same offense. No person shall be twice put in. [Amendments]—Art. 5, Sec. —, Cl. —.
- Journal* of its proceedings. Each House shall keep a—Art. 1, Sec. 5, Cl. 3.
- Judges* in every State shall be bound by the Constitution, the laws and treaties of the United States, which shall be the supreme law of the land—Art. 6, Sec. —, Cl. 2.
- Judges* of the Supreme and inferior courts shall hold their offices during good behavior—Art. 3, Sec. 1, Cl. —.
- Their compensation shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- Judgment* in cases of impeachment shall not extend further than to removal

- from office, and disqualification to hold any office of honor, trust, or profit under the United States—Art. 1, Sec. 3, Cl. 7.
- But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law—Art. 1, Sec. 3, Cl. 7.
- Judicial power of the United States.* Congress shall have power to constitute tribunals inferior to the Supreme Court—Art. 1, Sec. 8, Cl. 9.
- The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish—Art. 3, Sec. 1, Cl. —.
- The judges of the Supreme and inferior courts shall hold their offices during good behavior—Art. 3, Sec. 1, Cl. —.
- Their compensation shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- It shall extend to all cases in law and equity arising under the Constitution, laws, and treaties of the United States—Art. 3, Sec. 2, Cl. 1.
- To all cases affecting ambassadors, other public ministers, and consuls—Art. 3, Sec. 2, Cl. 1.
- To all cases of admiralty and maritime jurisdiction—Art. 3, Sec. 2, Cl. 1.
- To controversies to which the United States shall be a party—Art. 3, Sec. 2, Cl. 1.
- To controversies between two or more States—Art. 3, Sec. 2, Cl. 1.
- To controversies between a State and citizens of another State—Art. 3, Sec. 2, Cl. 1.
- To controversies between citizens of different States—Art. 3, Sec. 2, Cl. 1.
- To citizens of the same State claiming lands under grants of different States—Art. 3, Sec. 2, Cl. 1.
- To controversies between a State or its citizens and foreign States, citizens, or subjects—Art. 3, Sec. 2, Cl. 1.
- In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction—Art. 3, Sec. 2, Cl. 2.
- In all other cases before mentioned, it shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make—Art. 3, Sec. 2, Cl. 2.
- The trial of all crimes, except in cases of impeachment, shall be by jury—Art. 3, Sec. 2, Cl. 3.
- The trial shall be held in the State where the crime shall have been committed—Art. 3, Sec. 2, Cl. 3.
- But when not committed in a State, the trial shall be at such place or places as Congress may by law have directed—Art. 3, Sec. 2, Cl. 3.
- The judicial power of the United States shall not be held to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. [Amendments]—Art. 11, Sec.—, Cl.—.
- Judicial proceedings* of every other State. Full faith and credit shall be given in each state to the acts, records, and—Art. 4, Sec. 1, Cl. —.
- Congress shall prescribe the manner of proving such acts, records and proceedings—Art. 4, Sec. 1, Cl.—.
- Judicial* and executive officers of the United States and of the several States shall be bound by an oath to support the Constitution—Art. 6, Sec.—, Cl. 3.
- Judiciary.* The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State may be a party—Art. 3, Sec. 2, Cl. 2.

- The Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and regulations as Congress may make—Art. 3, Sec. 2, Cl. 2.
- Junction* of two or more States or parts of States without the consent of the legislatures and of Congress. No State shall be formed by the—Art. 4, Sec. 3, Cl. 1.
- Jurisdiction* of another State. No new State shall, without the consent of Congress, be formed or erected within the—Art. 4, Sec. 3, Cl. 1.
- Jurisdiction*, both as to law and fact, with such exceptions and under such regulations as Congress may make. The Supreme Court shall have appellate—Art. 3, Sec. 2, Cl. 2.
- Jurisdiction*. In all cases affecting ambassadors and other public ministers and consuls, and in cases where a State is a party, the Supreme Court shall have original—Art. 3, Sec. 2, Cl. 2.
- Jury*. The trial of all crimes, except in cases of impeachment, shall be by Art. 3, Sec. 2, Cl. 3.
- In all criminal prosecutions the accused shall have a speedy and public trial by. [Amendments]—Art. 6, Sec.—, Cl.—.
- All suits at common law, where the value exceeds twenty dollars, shall be tried by. [Amendments]—Art. 7, Sec.—, Cl.—.
- Where a fact has been tried by a jury it shall not be re-examined except by the rules of the common law. [Amendments]—Art. 7, Sec.—, Cl.—.
- Just compensation*. Private property shall not be taken for public use without. [Amendments]—Art. 5, Sec.—, Cl.—.
- Justice*, insure domestic tranquility, &c. To establish. [Preamble]—Art.—, Sec.—, Cl.—.

L.

- Labor*, in one State escaping into another State shall be delivered up to the party to whom such service or labor may be due. Fugitives from service or—Art. 4, Sec. 2, Cl. 3.
- Land* and naval forces. Congress shall make rules for the government and regulation of the—Art. 1, Sec. 8, Cl. 14.
- Law* and fact, with exceptions and under regulations to be made by Congress. The Supreme Court shall have appellate jurisdiction as to—Art. 3, Sec. 2, Cl. 2.
- Law* of the land. The Constitution, the laws made in pursuance thereof, and treaties of the United States, shall be the supreme—Art. 6, Sec.—, Cl. 2.
- The judges in every State shall be bound thereby—Art. 6, Sec.—, Cl. 2.
- Law* of nations. Congress shall provide for punishing offenses against the—Art. 1, Sec. 8, Cl. 10.
- Laws*. Congress shall provide for calling forth the militia to suppress insurrection, repel invasion, and to execute the—Art. 1, Sec. 8, Cl. 15.
- Laws and Treaties* of the United States. The judicial power shall extend to all cases in law and equity arising under the Constitution, or the—Art. 3, Sec. 2, Cl. 1.
- Laws* necessary to carry into execution the powers vested in the Government, or in any department or officer of the United States. Congress shall make all—Art. 1, Sec. 8, Cl. 18.
- Legal tender* in payment of debts. No State shall make anything but gold and silver coin a—Art. 1, Sec. 10, Cl. 1.
- Legislation* in all cases over such district as may become the seat of government. Congress shall exercise exclusive—Art. 1, Sec. 8, Cl. 17.
- Over all places purchased for the erection of forts, magazines, arsenals,

dock-yards, and other needful buildings. Congress shall exercise exclusive—Art. 1, Sec. 8, Cl. 17.

Legislation. Congress shall have power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof—Art. 1, Sec. 8, Cl. 18.

Legislation. Congress shall have power to enforce article xiii, prohibiting slavery, by appropriate. [Amendments]—Art. 13, Sec. 2, Cl.—.

Congress shall have power to enforce the fourteenth amendment by appropriate. [Amendments]—Art. 14, Sec. 5, Cl.—.

Congress shall have power to enforce the fifteenth amendment by appropriate. [Amendments]—Art. 15, Sec. 2, Cl.—.

Legislative powers herein granted shall be vested in Congress. All—Art. 1, Sec. 1, Cl.—.

Legislature, or the executive (when the Legislature cannot be convened). The United States shall protect each State against invasion and domestic violence, on the application of the—Art. 4, Sec. 4, Cl.—.

Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution. On the application of the—Art. 5, Sec.—, Cl.—.

Letters of marque and reprisal. Congress shall have power to grant—Art. 1, Sec. 8, Cl. 11.

No State shall grant—Art. 1, Sec. 10, Cl. 1.

Liberty to ourselves and our posterity, &c. To secure the blessings of. [Preamble]—Art.—, Sec.—, Cl.—.

Life, liberty and property without due process of law. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of. [Amendments]—Art. 5, Sec.—, Cl.—.

No State shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of. [Amendments]—Art. 14, Sec. 1, Cl.—.

Life or limb for the same offense. No person shall be twice put in jeopardy of. [Amendments]—Art. 5, Sec.—, Cl.—.

Loss or emancipation of any slave shall be held illegal and void. Claims for the. [Amendments]—Art. 14, Sec. 4, Cl.—.

M.

Magazines, arsenals, dock-yards, and other needful buildings. Congress shall have exclusive authority over all places purchased for the erection of—Art. 1, Sec. 8, Cl. 17.

Majority of each House shall constitute a quorum to do business. A—Art. 1, Sec. 5, Cl. 1.

But a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members—Art. 1, Sec. 5, Cl. 1.

Majority of all the States shall be necessary to a choice. When the choice of the President shall devolve on the House of Representatives, a quorum shall consist of a member or members from two-thirds of the States; but a. [Amendments]—Art. 12, Sec.—, Cl.—.

When the choice of a Vice-President shall devolve on the Senate a quorum shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. [Amendments]—Art. 12, Sec.—, Cl.—.

Maritime jurisdiction. The judicial power shall extend to all cases of admiralty and—Art. 3, Sec. 2, Cl. 1.

Marque and reprisal. Congress shall have power to grant letters of—Art. 1, Sec. 8, Cl. 11.

No State shall grant any letters of—Art. 1, Sec. 10, Cl. 1.

- Maryland* entitled to six Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.
- Massachusetts* entitled to eight Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.
- Measures.* Congress shall fix the standard of weights and—Art. 1, Sec. 8, Cl. 5.
- Meeting of Congress.* The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day—Art. 1, Sec. 4, Cl. 2.
- Members* of Congress and of State legislatures shall be bound by oath or affirmation to support the Constitution—Art. 6, Sec.—, Cl. 3.
- Militia* to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for calling forth the—Art. 1, Sec. 8, Cl. 15. Congress shall provide for organizing, arming, and disciplining the—Art. 1, Sec. 8, Cl. 16.
- Militia* to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for governing such part of them as may be employed by the United States—Art. 1, Sec. 8, Cl. 16. Reserving to the States the appointment of the officers and the right to train the militia according to the discipline prescribed by Congress—Art. 1, Sec. 8, Cl. 16.
- 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. [Amendments]—Art. 2, Sec.—, Cl.—.
- Misdemeanors.* The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and—Art. 2, Sec. 4, Cl.—.
- Money* on the credit of the United States. Congress shall have power to borrow—Art. 1, Sec. 8, Cl. 2.
- Regulate the value thereof and of foreign coin. Congress shall have power to coin—Art. 1, Sec. 8, Cl. 5.
- Shall be drawn from the Treasury, but in consequence of appropriations made by law. No—Art. 1, Sec. 9, Cl. 7.
- Shall be published from time to time. A regular statement and account of receipts and expenditures of public—Art. 1, Sec. 9, Cl. 7.
- For raising and supporting armies. No appropriation of money shall be for a longer term than two years—Art. 1, Sec. 8, Cl. 12.

N.

- Nations.* Congress shall have power to regulate commerce with foreign—Art. 1, Sec. 8, Cl. 3.
- Congress shall provide for punishing offenses against the law of—Art. 1, Sec. 8, Cl. 10.
- Natural-born citizen.* or a citizen at the adoption of the Constitution, shall be eligible to the office of President. No person except a—Art. 2, Sec. 1, Cl. 4.
- Naturalization.* Congress shall have power to establish a uniform rule of—Art. 1, Sec. 8, Cl. 4.
- Naturalized* in the United States, and subject to their jurisdiction, shall be citizens of the United States and of the States in which they reside. All persons born, or. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Naval forces.* Congress shall make rules and regulations for the government and regulation of the land and—Art. 1, Sec. 8, Cl. 14.
- Navy.* Congress shall have power to provide and maintain a—Art. 1, Sec. 8, Cl. 13.

New Hampshire entitled to three Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.

New Jersey entitled to four Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.

New States may be admitted by Congress into this Union—Art. 4, Sec. 3, Cl. 1.

But no new State shall be formed within the jurisdiction of another State without the consent of Congress—Art. 4, Sec. 3, Cl. 1.

Nor shall any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures and of Congress—Art. 4, Sec. 3, Cl. 1.

New York entitled to six Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.

Nobility shall be granted by the United States. No title of—Art. 1, Sec. 9, Cl. 8.

No State shall grant any title of—Art. 1, Sec. 10, Cl. 1.

Nominations for office by the President. The President shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors and other public officers—Art. 2, Sec. 2, Cl. 2.

He may grant commissions to fill vacancies that happen in the recess of the Senate, which shall expire at the end of their next session—Art. 2, Sec. 2, Cl. 3.

North Carolina entitled to five Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.

Number of electors for President and Vice-President in each State shall be equal to the number of Senators and Representatives to which such State may be entitled in Congress—Art. 2, Sec. 1, Cl. 2.

O.

Oath of office of the President of the United States. Form of the—Art. 2, Sec. 1, Cl. 7.

Oath or affirmation. No warrants shall be issued but upon probable cause supported by. [Amendments]—Art. 4, Sec. —, Cl. —.

Oath or affirmation to support the Constitution. Senators and Representatives, members of State legislatures, executive and judicial officers of the United States and of the several States, shall be bound by—Art. 6, Sec. —, Cl. 3.

But no religious test shall ever be required as a qualification for office—Art. 6, Sec. —, Cl. 3.

The Senators when sitting to try impeachment shall be on—Art. 1, Sec. 3, Cl. 6.

Objections. If he shall not approve it, the President shall return the bill to the House in which it originated with his—Art. 1, Sec. 7, Cl. 2.

Obligation of contracts. No State shall pass any ex post facto law, or law impairing the—Art. 1, Sec. 10, Cl. 1.

Obligations incurred in aid of insurrection or rebellion against the United States to be held illegal and void. All debts or. [Amendments]—Art. 14, Sec. 4, Cl. —.

Offense. No person shall be twice put in jeopardy of life or limb for the same. [Amendments]—Art. 5, Sec. —, Cl. —.

Offences against the law of nations. Congress shall provide for punishing—Art. 1, Sec. 8, Cl. 10.

Against the United States, except in cases of impeachment. The President may grant reprieves or pardons for—Art. 2, Sec. 2, Cl. 1.

Office under the United States. No person shall be a member of either House while holding any civil—Art. 1, Sec. 6, Cl. 2.

No Senator or Representative shall be appointed to any office under the United States which shall have been created, or its emoluments

- increased, during the term for which he is elected—Art. 1, Sec. 6, Cl. 2.
- Or title of any kind from any king, prince, or foreign State, without the consent of Congress. No person holding any office under the United States shall accept of any present, emolument—Art. 1, Sec. 9, Cl. 8.
- Office of President*, in case of his removal, death, resignation, or inability, shall devolve on the Vice-President. The powers and duties of the—Art. 2, Sec. 1, Cl. 5.
- During the term of four years. The President and Vice-President shall hold—Art. 2, Sec. 1, Cl. 1.
- Of trust or profit under the United States shall be an elector for President and Vice-President. No person holding an—Art. 2, Sec. 1, Cl. 2.
- Civil or military under the United States, or any State, who had taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, and afterward engaged in insurrection or rebellion. No person shall be a Senator, Representative, or Presidential elector, or hold any. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Officers* in the President alone, in the courts of law, or in the heads of Departments. Congress may vest the appointment of inferior—Art. 2, Sec. 2, Cl. 2.
- Of the United States shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil—Art. 2, Sec. 4, Cl. —.
- The House of Representatives shall choose their Speaker and other—Art. 1, Sec. 2, Cl. 5.
- The Senate, in the absence of the Vice-President, shall choose a President *pro tempore*, and also their other—Art. 1, Sec. 3, Cl. 5.
- Offices* becoming vacant in the recess of the Senate may be filled by the President, the commissions to expire at the end of the next session—Art. 2, Sec. 2, Cl. 3.
- One-fifth* of the members present, be entered on the journal of each House. The yeas and nays shall, at the desire of—Art. 1, Sec. 5, Cl. 3.
- Opinion* of the principal officers in each of the Executive Departments on any subject relating to their duties. The President may require the written—Art. 2, Sec. 2, Cl. 1.
- Order*, resolution, or vote (except on a question of adjournment) requiring the concurrence of the two Houses, shall be presented to the President. Every—Art. 1, Sec. 7, Cl. 3.
- Original jurisdiction*, in all cases affecting ambassadors, other public ministers, and consuls, and in which a State may be a party. The Supreme Court shall have—Art. 3, Sec. 2, Cl. 2.
- Overt act*, or on confession in open court. Conviction of treason shall be on the testimony of two witnesses to the—Art. 3, Sec. 3, Cl. 1.

P.

- Pardons*, except in cases of impeachment. The President may grant reprieves and—Art. 2, Sec. 2, Cl. 1.
- Patent rights* to inventors. Congress may pass laws for securing—Art. 1, Sec. 8, Cl. 8.
- Peace*. Members of Congress shall not be privileged from arrest for treason, felony, and breach of the—Art. 1, Sec. 6, Cl. 1.
- No State shall, without the consent of Congress, keep troops or ships of war in time of—Art. 1, Sec. 10, Cl. 3.

- No soldier shall be quartered in any house without the consent of the owner in time of. [Amendments]—Art. 3, Sec. —, Cl. —.
- Pensions and bounties* shall not be questioned. The validity of the public debt incurred in suppressing insurrection and rebellion against the United States, including the debt for. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Pennsylvania* entitled to eight Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.
- People*, peaceably to assemble and petition for redress of grievances, shall not be abridged by Congress. The right of the. [Amendments]—Art. 1, Sec. —, Cl. —.
- To keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the. [Amendments]—Art. 2, Sec. —, Cl. —.
- To be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated. The right of the. [Amendments]—Art. 4, Sec. —, Cl. —.
- People*. The enumeration of certain rights in the Constitution shall not be held to deny or disparage others retained by the. [Amendments]—Art. 9, Sec. —, Cl. —.
- People*. Powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the. [Amendments]—Art. 10, Sec. —, Cl. —.
- Perfect Union, &c.* To establish a more. [Preamble]—Art. —, Sec. —, Cl. —.
- Persons*, houses, papers, and effects, against unreasonable searches and seizures. The people shall be secured in their. [Amendments]—Art. 4, Sec. —, Cl. —.
- Persons*, as any State may think proper to admit, shall not be prohibited prior to 1808. The migration or importation of such—Art. 1, Sec. 9, Cl. 1.
- But a tax or duty of ten dollars shall be imposed on the importation of each of such—Art. 1, Sec. 9, Cl. 1.
- Petition* for the redress of grievances. Congress shall make no law abridging the right of the people peaceably to assemble and to. [Amendments]—Art. 1, Sec. —, Cl. —.
- Piracies and felonies* committed on the high seas. Congress shall define and punish—Art. 1, Sec. 8, Cl. 10.
- Place* than that in which the two houses shall be sitting. Neither House during the session shall, without the consent of the other, adjourn for more than three days, nor to any other—Art. 1, Sec. 5, Cl. 4.
- Places of choosing Senators*. Congress may by law make or alter regulations for the election of Senators and Representatives, except as to the—Art. 1, Sec. 4, Cl. 1.
- Ports* of one State over those of another. Preference shall not be given by any regulation of commerce or revenue to the—Art. 1, Sec. 9, Cl. 6.
- Vessels clearing from the ports of one State shall not pay duties in another—Art. 1, Sec. 9, Cl. 6.
- Post offices and post roads*. Congress shall establish—Art. 1, Sec. 8, Cl. 7.
- Powers* herein granted shall be vested in Congress. All legislative—Art. 1, Sec. 1, Cl. —.
- Powers* vested by the Constitution in the Government or in any Department or officer of the United States. Congress shall make all laws necessary to carry into execution the—Art. 1, Sec. 8, Cl. 18.
- Powers* and duties of the office shall devolve on the Vice-President, on the removal, death, resignation, or inability of the President. The—Art. 2, Sec. 1, Cl. 5.
- Powers* not delegated to the United States nor prohibited to the States are reserved to the States and to the people. [Amendments]—Art. 10, Sec. —, Cl. —.
- The enumeration of certain rights in this Constitution shall not be

- held to deny or disparage others retained by the people. [Amendments]—Art. 9, Sec.—, Cl.—.
- Preference*, by any regulation of commerce or revenue, shall not be given to the ports of one State over those of another—Art. 1, Sec. 9, Cl. 6.
- Prejudice* any claims of the United States or of any particular State in the territory or property of the United States. Nothing in this Constitution shall—Art. 4, Sec. 3, Cl. 2.
- Present*, emolument, office, or title of any kind whatever from any king, prince, or foreign State. No person holding any office under the United States shall, without the consent of Congress, accept any—Art. 1, Sec. 9, Cl. 8.
- Presentment* or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service. No person shall be held to answer for a capital or otherwise infamous crime unless on a. [Amendments]—Art. 5, Sec.—, Cl.—
- President of the United States*. The Senate shall choose a President *pro tempore* when the Vice-President shall exercise the office of—Art. 1, Sec. 3, Cl. 5.
- The Chief Justice shall preside upon the trial of the—Art. 1, Sec. 3, Cl. 6.
- Shall approve and sign all bills passed by Congress before they shall become laws—Art. 1, Sec. 7, Cl. 2.
- Shall return to the House in which it originated, with his objections, any bill which he shall not approve—Art. 1, Sec. 7, Cl. 2.
- If not returned within ten days (Sundays excepted), it shall become a law, unless Congress shall adjourn before the expiration of that time—Art. 1, Sec. 7, Cl. 2.
- Every order, resolution, or vote which requires the concurrence of both Houses, except on a question of adjournment, shall be presented to the—Art. 1, Sec. 7, Cl. 3.
- If disapproved by him, shall be returned and proceeded on as in the case of a bill—Art. 1, Sec. 7, Cl. 3.
- The executive power shall be vested in a—Art. 2, Sec. 1, Cl. 1.
- He shall hold his office during the term of four years—Art. 2, Sec. 1, Cl. 1.
- In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of his office, the Vice-President shall perform the duties of—Art. 2, Sec. 1, Cl. 5.
- Congress may declare, by law, in the case of the removal, death, resignation, or inability of the President, what officer shall act as—Art. 2, Sec. 1, Cl. 5.
- The President shall receive a compensation which shall not be increased nor diminished during his term, nor shall he receive any other emolument from the United States—Art. 2, Sec. 1, Cl. 6.
- Before he enters upon the execution of his office he shall take an oath of office—Art. 2, Sec. 1, Cl. 7.
- Shall be commander-in-chief of the Army and Navy and of the militia of the States when called into actual service—Art. 2, Sec. 2, Cl. 1.
- He may require the opinion, in writing, of the principal officer in each of the Executive Departments—Art. 2, Sec. 2, Cl. 1.
- He may grant reprieves or pardons for offenses, except in cases of impeachment—Art. 2, Sec. 2, Cl. 1.
- He may make treaties by and with the advice and consent of the Senate, two-thirds of the Senators present concurring—Art. 2, Sec. 2, Cl. 2.
- He may appoint, by and with the advice and consent of the Senate, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers whose appointments may be authorized by law and not herein provided for—Art. 2, Sec. 2, Cl. 2.

- Congress may vest the appointment of inferior officers in the—Art. 2, Sec. 2, Cl. 2.
- He may fill up all vacancies that may happen in the recess of the Senate by commissions which shall expire at the end of their next session—Art. 2, Sec. 2, Cl. 3.
- He shall give information to Congress of the state of the Union, and recommend measures—Art. 2, Sec. 3, Cl. —.
- On extraordinary occasions he may convene both Houses or either House of Congress—Art. 2, Sec. 3, Cl. —.
- In case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper—Art. 2, Sec. 3, Cl. —.
- He shall receive ambassadors and other public ministers—Art. 2, Sec. 3, Cl. —.
- He shall take care that the laws be faithfully executed—Art. 2, Sec. 3, Cl. —.
- He shall commission all the officers of the United States—Art. 2, Sec. 3, Cl. —.
- On impeachment for, and conviction, of treason, bribery, or other high crimes and misdemeanors, shall be removed from office. The—Art. 2, Sec. 4, Cl. —.
- No person except a natural-born citizen, or a citizen of the United States at the adoption of the Constitution, shall be eligible to the office of—Art. 2, Sec. 1, Cl. 4.
- No person who shall not have attained the age of thirty-five years and been fourteen years a citizen of the United States shall be eligible to the office of—Art. 2, Sec. 1, Cl. 4.
- President and Vice-President. Manner of choosing.* Each State, by its Legislature, shall appoint a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress—Art. 2, Sec. 1, Cl. 2.
- No Senator or Representative, or person holding an office of trust or profit under the United States shall be an elector—Art. 2, Sec. 1, Cl. 2.
- Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States—Art. 2, Sec. 1, Cl. 3.
- The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]—Art. 12, Sec. —, Cl. —.
- They shall name in distinct ballots the person voted for as President, and the person voted for as Vice-President. [Amendment]—Art. 12, Sec. —, Cl. —.
- President and Vice-President. Manner of choosing.* They shall make distinct lists of the persons voted for as President and as Vice-President, which they shall sign and certify and transmit sealed to the President of the Senate at the seat of government. [Amendments]—Art. 12, Sec. —, Cl. —.
- The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. [Amendments]—Art. 12, Sec. —, Cl. —.
- The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed. [Amendments]—Art. 12, Sec. —, Cl. —.
- If no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. [Amendments]—Art. 12, Sec. —, Cl. —.
- In choosing the President, the votes shall be taken by States, the

- representation from each State having one vote. [Amendments]—Art. 12, Sec.—, Cl.—.
- A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]—Art. 12, Sec.—, Cl.—.
- But if no choice shall be made before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or disability of the President. [Amendments]—Art. 12, Sec.—, Cl.—.
- President of the Senate*, but shall have no vote unless the Senate be equally divided. The Vice-President shall be—Art. 1, Sec. 3, Cl. 4.
- President pro tempore*. In the absence of the Vice-President the Senate shall choose a—Art. 1, Sec. 3, Cl. 5.
- When the Vice-President shall exercise the office of President of the United States, the Senate shall choose a—Art. 1, Sec. 3, Cl. 5.
- Press*. Congress shall pass no law abridging the freedom of speech or of the. [Amendments]—Art. 1, Sec.—, Cl.—.
- Previous condition of servitude*. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or. [Amendments]—Art. 15, Sec. 1, Cl.—.
- Private Property* shall not be taken for public use without just compensation. [Amendments]—Art. 5, Sec.—, Cl.—.
- Privilege*. Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same—Art. 1, Sec. 6, Cl. 1.
- They shall not be questioned for any speech or debate in either House in any other place.—Art. 1, Sec. 6, Cl. 1.
- Privileges and immunities of citizens of the United States*. The citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States—Art. 4, Sec. 2, Cl. 1.
- No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]—Art. 3, Sec.—, Cl.—.
- No person shall be twice put in jeopardy of life and limb for the same offense. [Amendments]—Art. 5, Sec.—, Cl.—.
- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]—Art. 14, Sec. 1, Cl.—.
- No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]—Art. 14, Sec. 1, Cl.—.
- No State shall deprive any person of life, liberty or property without due process of law. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Nor deny to any person within its jurisdiction the equal protection of its laws. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Prizes* captured on land or water. Congress shall make rules concerning—Art. 1, Sec. 8, Cl. 11.
- Probable cause*. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. And no warrant shall issue for such but upon. [Amendments]—Art. 4, Sec.—, Cl.—.
- Process of law*. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due. [Amendments]—Art. 5, Sec.—, Cl.—.
- No State shall deprive any person of life, liberty, or property, without due. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Process* for obtaining witnesses in his favor. In all criminal prosecutions the accused shall have. [Amendments]—Art. 6, Sec.—, Cl.—.
- Progress* of science and useful arts. Congress shall have power to promote the—Art. 1, Sec. 8, Cl. 8.

- Property* of the United States. Congress may dispose of and make all needful rules and regulations respecting the territory or—Art. 4, Sec. 3, Cl. 2.
- Property*, without due process of law. No person shall be compelled in any criminal case to be a witness against himself; nor shall he be deprived of his life, liberty, or. [Amendments]—Art. 5, Sec.—, Cl.—.
- No State shall abridge the privileges or immunities of citizens of the United States; nor deprive any person of his life, liberty, or. [Amendments]—Art. 14, Sec. 1, Cl.—.
- Prosecutions*. The accused shall have a speedy and public trial in all criminal. [Amendments]—Art. 6, Sec.—, Cl.—.
- He shall be tried by a jury in the State or district where the crime was committed. [Amendments]—Art. 6, Sec.—, Cl.—.
- He shall be informed of the nature and cause of the accusation. [Amendments]—Art. 6, Sec.—, Cl.—.
- He shall be confronted with the witnesses against him. [Amendments]—Art. 6, Sec.—, Cl.—.
- He shall have compulsory process for obtaining witnesses. [Amendments]—Art. 6, Sec.—, Cl.—.
- He shall have counsel for his defense. [Amendments]—Art. 6, Sec.—, Cl.—.
- Protection* of the laws. No State shall deny to any person within its jurisdiction the equal [Amendments]—Art. 14, Sec. 1, Cl.—.
- Public debt* of the United States incurred in suppressing insurrection or rebellion shall not be questioned. The validity of the. [Amendments]—Art. 14, Sec. 4, Cl.—.
- Public safety* may require it. The writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the—Art. 1, Sec. 9, Cl. 2.
- Public trial* by jury. In all criminal prosecutions the accused shall have a speedy and. [Amendments]—Art. 6, Sec.—, Cl.—.
- Public use*. Private property shall not be taken for, without just compensation. [Amendments]—Art. 5, Sec.—, Cl.—.
- Punishment* according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and—Art. 1, Sec. 3, Cl. 7.
- Punishments* inflicted. Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual. [Amendments]—Art. 8, Sec.—, Cl.—.

Q.

- Qualification for office*. No religious test shall ever be required as a—Art. 6, Sec.—, Cl. 3.
- Qualifications* of electors of members of the House of Representatives shall be the same as electors for the most numerous branch of the State legislature—Art. 1, Sec. 2, Cl. 1.
- Qualifications* of members of the House of Representatives. They shall be twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the State in which chosen—Art. 1, Sec. 2, Cl. 2.
- Of Senators. They shall be thirty years of age, nine years a citizen of the United States, and an inhabitant of the State in which chosen—Art. 1, Sec. 3, Cl. 3.
- Of its own members. Each House shall be the judge of the election, returns, and—Art. 1, Sec. 5, Cl. 1.
- Of the President. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Con-

- stitution, shall be eligible to the office of President—Art. 2, Sec. 1, Cl. 4.
- Neither shall any person be eligible to the office of President who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States—Art. 2, Sec. 1, Cl. 4.
- Of the Vice-President. No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President. [Amendments]—Art. 12, Sec. —, Cl. —.
- Quartered* in any house without the consent of the owner in time of peace. No soldier shall be. [Amendments]—Art. 3, Sec. —, Cl. —.
- Quorum* to do business. A majority of each House shall constitute—Art. 1, Sec. 5, Cl. 1.
- But a smaller number than a quorum may adjourn from day to day and may be authorized to compel the attendance of absent members—Art. 1, Sec. 5, Cl. 1.
- Of the House of Representatives for choosing a President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]—Art. 12, Sec. —, Cl. —.
- Quorum* to elect a Vice President by the Senate. Two-thirds of the whole number of Senators shall be a. [Amendments]—Art. 12, Sec. —, Cl. —.
- A majority of the whole number shall be necessary to a choice—Art. 12, Sec. —, Cl. —.

R.

- Race, color or previous condition of servitude.* The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of. [Amendments]—Art. 15, Sec. 1, Cl. —.
- Ratification* of amendments to the Constitution shall be by the legislatures of three-fourths of the several States, or by conventions in three-fourths of the States, accordingly as Congress may propose—Art. 5, Sec. —, Cl. —.
- Ratification* of the convention of nine States shall be sufficient to establish the Constitution between the States so ratifying the same—Art. 7, Sec. —, Cl. —.
- Ratio* of representation until the first enumeration under the Constitution shall be made not to exceed one for every thirty thousand—Art. 1, Sec. 2, Cl. 3.
- Ratio* of representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. [Amendments]—Art. 14, Sec. 2, Cl. —.
- But when the right to vote for Presidential electors, or members of Congress, or the legislative, executive, and judicial officers of the State, except for engaging in rebellion or other crime, shall be denied or abridged by a State, the basis of representation shall be reduced therein in the proportion of such denial or abridgment of the right to vote. [Amendments]—Art. 14, Sec. 2, Cl. —.
- Rebellion* against the United States. Persons who, while holding certain Federal and State offices, took an oath to support the Constitution, afterward engaged in insurrection or rebellion, disabled from holding office under the United States. [Amendments]—Art. 14, Sec. 3, Cl. —.
- But Congress may by a vote of two-thirds of each House remove such disability. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Rebellion* against the United States. Debts incurred for pensions and

bounties for services in suppressing the rebellion shall not be questioned. [Amendments]—Art. 14, Sec. 4, Cl. —.

All debts and obligations incurred in aid of the rebellion, and all claims for the loss or emancipation of slaves, declared and held to be illegal and void. [Amendments]—Art. 14, Sec. 4, Cl. —.

Rebellion or invasion. The writ of *habeas corpus* shall not be suspended except when the public safety may require it in cases of—Art. 1, Sec. 9, Cl. 2.

Receipts and expenditures of all public money shall be published from time to time. A regular statement of—Art. 1, Sec. 9, Cl. 7.

Recess of the Senate. The President may grant commissions, which shall expire at the end of the next session, to fill vacancies that may happen during the—Art. 2, Sec. 2, Cl. 3.

Reconsideration of a bill returned by the President with his objections. Proceedings to be had upon the—Art. 1, Sec. 7, Cl. 2.

Records, and judicial proceedings of every other State. Full faith and credit shall be given in each State to the acts—Art. 4, Sec. 1, Cl. —.

Congress shall prescribe the manner of proving such acts, records, and proceedings—Art. 4, Sec. 1, Cl. —.

Redress of grievances. Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the. [Amendments]—Art. 1, Sec. —, Cl. —.

Regulations, except as to the places of choosing Senators. The time, places, and manner of holding elections for Senators and Representatives shall be prescribed by the legislatures of the States, but Congress may at any time by law make or alter such—Art. 1, Sec. 4, Cl. 1.

Regulations of commerce or revenue. Preference to the ports of one State over those of another shall not be given by any—Art. 1, Sec. 9, Cl. 6.

Religion or prohibiting the free exercise thereof. Congress shall make no law respecting the establishment of. [Amendments]—Art. 1, Sec. —, Cl. —.

Religious test shall ever be required as a qualification for any office of public trust under the United States. No—Art. 6, Sec. —, Cl. 3.

Removal of the President from office, the same shall devolve on the Vice-President. In case of the—Art. 2, Sec. 1, Cl. 5.

Representation. No State, without its consent, shall be deprived of its equal suffrage in the Senate—Art. 5, Sec. —, Cl. —.

Representation and direct taxation, how apportioned among the several States. [This provision is changed by the 14th amendment, section 2]—Art. 1, Sec. 2, Cl. 3.

Representation until the first enumeration under the Constitution not to exceed one for every thirty thousand. The ratio of—Art. 1, Sec. 2, Cl. 3.

Representation in any State. The executive thereof shall issue writs of election to fill vacancies in the—Art. 1, Sec. 2, Cl. 4.

Representation among the several States shall be according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. The ratio of. [Amendments]—Art. 1, Sec. 2, Cl. —.

But where the right to vote in certain Federal and State elections is abridged for any cause other than rebellion or other crime, the basis of representation shall be reduced. [Amendments]—Art. 14, Sec. 2, Cl. —.

Representatives. Congress shall consist of a Senate and House of—Art. 1, Sec. 1, Cl. —.

Qualifications of electors of members of the House of—Art. 1, Sec. 2, Cl. 1.

No person shall be a Representative who shall not have attained the age of twenty-five years, been seven years a citizen of the United

- States, and an inhabitant of the State in which he shall be chosen—Art. 1, Sec. 2, Cl. 2.
- And direct taxes, how apportioned among the several States. [Amended by 14th amendment, section 2]—Art. 1, Sec. 2, Cl. 3.
- Shall choose their Speaker and other officers. The House of—Art. 1, Sec. 2, Cl. 5.
- Shall have the sole power of impeachment. The House of—Art. 1, Sec. 2, Cl. 5.
- Executives of the States shall issue writs of election to fill vacancies in the House of—Art. 1, Sec. 2, Cl. 4.
- The times, places, and manner of choosing Representatives shall be prescribed by the legislatures of the States—Art. 1, Sec. 4, Cl. 1.
- But Congress may at any time by law make or alter such regulations except as to the places of choosing Senators—Art. 1, Sec. 4, Cl. 1.
- And Senators shall receive a compensation, to be ascertained by law—Art. 1, Sec. 6, Cl. 1.
- Shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at the session of the House, and in going to and returning from the same—Art. 1, Sec. 6, Cl. 1.
- Shall not be questioned in any other place for any speech or debate. Members of the House of—Art. 1, Sec. 6, Cl. 1.
- No member shall be appointed during his term to any civil office which shall have been created, or the emoluments of which shall have been increased, during such term—Art. 1, Sec. 6, Cl. 2.
- No person holding any office under the United States shall, while holding such office, be a member of the House of—Art. 1, Sec. 6, Cl. 2.
- All bills for raising revenue shall originate in the House of—Art. 1, Sec. 7, Cl. 1.
- No Senator or Representative shall be an elector for President or Vice-President—Art. 2, Sec. 1, Cl. 2.
- Representatives* shall be bound by an oath or affirmation to support the Constitution of the United States. The Senators and—Art. 6, Sec. —, Cl. 3.
- Representatives* among the several States. Provisions relative to the appointment of. [Amendments]—Art. 14, Sec. 2, Cl. —.
- Representatives and Senators.* Prescribing certain disqualifications for office as. [Amendments]—Art. 14, Sec. 3, Cl. —.
- But Congress may, by a vote of two-thirds of each House, remove such disqualification. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Reprieves* and pardons except in cases of impeachment. The President may grant—Art. 2, Sec. 2, Cl. 1.
- Reprisal.* Congress shall have power to grant letters of marque and—Art. 1, Sec. 8, Cl. 11.
- No State shall grant any letters of marque and—Art. 1, Sec. 10, Cl. 1.
- Republican* form of government. The United States shall guarantee to every State in this Union a—Art. 4, Sec. 4, Cl. —.
- Republican* form of government. And shall protect each of them against invasion; and on the application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence—Art. 4, Sec. 4, Cl. —.
- Reserved rights* of the States and the people. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. [Amendments]—Art. 9, Sec. —, Cl. —.
- The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Amendments]—Art. 10, Sec. —, Cl. —.
- Resignation*, or inability of the President, the duties and powers of his office shall devolve on the Vice-President. In case of the death—Art. 2, Sec. 1, Cl. 5.

- Resignation*, or inability of the President. Congress may by law provide for the ease of the removal, death—Art. 2, Sec. 1, Cl. 5.
- Resolution*, or vote (except on a question of adjournment) requiring the concurrence of the two Houses shall, before it becomes a law, be presented to the President. Every order—Art. 1, Sec. 7, Cl. 3.
- Revenue* shall originate in the House of Representatives. All bills for raising—Art. 1, Sec. 7, Cl. 1.
- Revenue*. Preference shall not be given to the ports of one State over those of another by any regulations of commerce or—Art. 1, Sec. 9, Cl. 6.
- Rhode Island* entitled to one representative in the first Congress—Art. 1, Sec. 2, Cl. 3.
- Right of petition*. Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the redress of grievances. [Amendments]—Art. 1, Sec. —, Cl. —.
- Right to keep and bear arms*. 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. [Amendments]—Art. 2, Sec. —, Cl. —.
- Rights* in the Constitution shall not be construed to deny or disparage others retained by the people. The enumeration of certain. [Amendments]—Art. 9, Sec. —, Cl. —.
- Rights* not delegated to the United States nor prohibited to the States are reserved to the States or to the people. [Amendments]—Art. 10, Sec. —, Cl. —.
- Rules* of its proceedings. Each House may determine the—Art. 1, Sec. 5, Cl. 2.
- Rules and regulations* respecting the territory or other property of the United States. Congress shall dispose of and make all needful—Art. 4, Sec. 3, Cl. 2.
- Rules of the common law*. All suits involving over twenty dollars shall be tried by jury according to the. [Amendments]—Art. 7, Sec. —, Cl. —.
- No fact tried by a jury shall be re-examined except according to the. [Amendments]—Art. 7, Sec. —, Cl. —.

S.

- Science and the useful arts* by securing to authors and inventors the exclusive right to their writings and discoveries. Congress shall have power to promote the progress of—Art. 1, Sec. 8, Cl. 8.
- Searches and seizures* shall not be violated. The right of the people to be secure against unreasonable. [Amendments]—Art. 4, Sec.—, Cl.—.
- And no warrants shall be issued but upon probable cause, on oath or affirmation, describing the place to be searched and the persons or things to be seized. [Amendments]—Art. 4, Sec.—, Cl.—.
- Seal of Government*. Congress shall exercise exclusive legislation in all cases over such district as may become the—Art. 1, Sec. 8, Cl. 17.
- Securities* and current coin of the United States. Congress shall provide for punishing the counterfeiting of the—Art. 1, Sec. 8, Cl. 6.
- Security of a free State*, the right of the people to keep and bear arms shall not be infringed. A well regulated militia being necessary to the.— [Amendments]—Art. 2, Sec.—, Cl.—
- Senate and House of Representatives*. The Congress of the United States shall consist of a—Art. 1, Sec. 1, Cl.—.
- Senate of the United States*. The Senate shall be composed of two Senators from each State, chosen by the legislature for six years—Art. 1, Sec. 3, Cl. 1.

- If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature—Art. 1, Sec. 3, Cl. 2.
- The Vice-President shall be President of the Senate, but shall have no vote unless the Senate be equally divided—Art. 1, Sec. 3, Cl. 4.
- The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President—Art. 1, Sec. 3, Cl. 5.
- The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation—Art. 1, Sec. 3, Cl. 6.
- When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present—Art. 1, Sec. 3, Cl. 6.
- It shall be the judge of the elections, returns, and qualifications of its own members—Art. 1, Sec. 5, Cl. 1.
- A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members—Art. 1, Sec. 5, Cl. 1.
- It may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member—Art. 1, Sec. 5, Cl. 2.
- It shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy—Art. 1, Sec. 5, Cl. 3.
- It shall not adjourn for more than three days during a session without the consent of the other House—Art. 1, Sec. 5, Cl. 4.
- It may propose amendments to bills for raising revenue, but such bills shall originate in the House of Representatives—Art. 1, Sec. 7, Cl. 1.
- Senate of the United States.* The Senate shall advise and consent to the ratification of all treaties, provided two-thirds of the members present concur—Art. 2, Sec. 2, Cl. 2.
- It shall advise and consent to the appointment of ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers not herein otherwise provided for—Art. 2, Sec. 2, Cl. 2.
- It may be convened by the President on extraordinary occasions—Art. 2, Sec. 3, Cl. 1.
- No State, without its consent, shall be deprived of its equal suffrage in the Senate—Art. 5, Sec. —, Cl. —.
- Senators.* They shall, immediately after assembling, under their first election, be divided into three classes, so that the seats of one-third shall become vacant at the expiration of every second year—Art. 1, Sec. 3, Cl. 2.
- No person shall be a Senator who shall not be thirty years of age, nine years a citizen of the United States, and an inhabitant when elected of the State for which he shall be chosen—Art. 1, Sec. 3, Cl. 3.
- The times, places, and manner of choosing Senators may be fixed by the legislature of a State, but Congress may by law make or alter such regulations, except as to the places of choosing—Art. 1, Sec. 4, Cl. 1.
- If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature—Art. 1, Sec. 3, Cl. 2.
- They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Senate and in going to and returning from the same—Art. 1, Sec. 6, Cl. 1.
- Senators and Representatives shall receive a compensation to be ascertained by law—Art. 1, Sec. 6, Cl. 1.

- Senators and Representatives shall not be questioned for any speech or debate in either House in any other place—Art. 1, Sec. 6, Cl. 1.
- No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States which shall have been created, or of which the emoluments shall have been increased, during such term—Art. 1, Sec. 6, Cl. 2.
- No person holding any office under the United States shall be a member of either House during his continuance in office—Art. 1, Sec. 6, Cl. 2.
- Senators.* No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector for President and Vice-President—Art. 2, Sec. 1, Cl. 2.
- Senators and Representatives shall be bound by an oath or affirmation to support the Constitution—Art. 6, Sec. —, Cl. 3.
- No person shall be a Senator or Representative who, having, as a Federal or State officer, taken an oath to support the Constitution, afterward engaged in rebellion against the United States. [Amendments.]—Art. 14, Sec. 3, Cl. —.
- But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments.]—Art. 14, Sec. 3, Cl. —.
- Service or labor* in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due. Fugitives from—Art. 4, Sec. 2, Cl. 3.
- Servitude*, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States or any place subject to their jurisdiction. Neither slavery nor involuntary. [Amendments.]—Art. 13, Sec. 1, Cl. —.
- Servitude.* The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of. [Amendments.]—Art. 15, Sec. 1, Cl. —.
- Ships of war* in time of peace, without the consent of Congress. No State shall keep troops or—Art. 1, Sec. 10, Cl. 3.
- Silver coin* a tender in payment of debts. No State shall make anything but gold and—Art. 1, Sec. 10, Cl. 1.
- Slave.* Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion, or any claim for the loss or emancipation of any. [Amendments.]—Art. 14, Sec. 4, Cl. —.
- Slavery* nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction. Neither. [Amendments.]—Art. 13, Sec. 1, Cl. —.
- Soldiers* shall not be quartered in time of peace, in any house without the consent of the owner. [Amendments.]—Art. 3, Sec. —, Cl. —.
- South Carolina* entitled to five Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.
- Speaker* and other officers. The House of Representatives shall choose their—Art. 1, Sec. 2, Cl. 5.
- Speech or of the press.* Congress shall make no law abridging the freedom of. [Amendments.]—Art. 1, Sec. —, Cl. —.
- Speedy and public* trial by a jury. In all criminal prosecutions the accused shall have a. [Amendments.]—Art. 6, Sec. —, Cl. —.
- Standard of weights* and measures. Congress shall fix the—Art. 1, Sec. 8, Cl. 5.
- State of the Union.* The President shall, from time to time, give Congress information of the—Art. 2, Sec. 3, Cl. —.
- State legislatures*, and all executive and judicial officers of the United States, shall take an oath to support the Constitution. All members of the several—Art. 6, Sec. —, Cl. 3.
- States.* When vacancies happen in the representation from any state, the

- executive authority shall issue writs of election to fill such vacancies—Art. 1, Sec. 2, Cl. 4.
- Congress shall have power to regulate commerce among the several—Art. 1, Sec. 8, Cl. 3.
- No State shall enter into any treaty alliance, or confederation—Art. 1, Sec. 10, Cl. 1.
- Shall not grant letters of marque and reprisal—Art. 1, Sec. 10, Cl. 1.
- Shall not coin money—Art. 1, Sec. 10, Cl. 1.
- Shall not emit bills of credit—Art. 1, Sec. 10, Cl. 1.
- Shall not make anything but gold and silver coin a tender in payment of debts—Art. 1, Sec. 10, Cl. 1.
- Shall not pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts—Art. 1, Sec. 10, Cl. 1.
- States.* Shall not grant any title of nobility—Art. 1, Sec. 10, Cl. 1.
- Shall not, without the consent of Congress, lay any duties on imports or exports, except what may be absolutely necessary for executing its inspection laws—Art. 1, Sec. 10, Cl. 2.
- Shall not, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power or engage in war unless actually invaded or in such imminent danger as will not admit of delay—Art. 1, Sec. 10, Cl. 3.
- Full faith and credit in every other State shall be given to the public acts, records and judicial proceedings of each State—Art. 4, Sec. 1, Cl.—
- Congress shall prescribe the manner of proving such acts, records, and proceedings—Art. 4, Sec. 1, Cl.—
- Citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States—Art. 4, Sec. 2, Cl. 1.
- New States may be admitted by Congress into this Union—Art. 4, Sec. 3, Cl. 1.
- But no new State shall be formed or erected within the jurisdiction of another State—Art. 4, Sec. 3, Cl. 1.
- Nor any State formed by the junction of two or more States or parts of States, without the consent of the legislatures as well as of Congress—Art. 4, Sec. 3, Cl. 1.
- No State shall be deprived, without its consent, of its equal suffrage in the Senate—Art. 5, Sec.—, Cl.—.
- Three-fourths of the legislatures of the States, or conventions of three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution—Art. 5, Sec.—, Cl.—.
- The United States shall guarantee a republican form of government to every State in the Union—Art. 4, Sec. 4, Cl.—
- They shall protect each State against invasion—Art. 4, Sec. 4, Cl.—.
- And on application of the legislature or the executive (when the legislature cannot be convened), against domestic violence—Art. 4, Sec. 4, Cl.—
- The ratification by nine States shall be sufficient to establish the Constitution between the States so ratifying the same—Art. 7, Sec.—, Cl.—.
- When the choice of President shall devolve upon the House of Representatives the vote shall be taken by States. [Amendments]—Art. 12, Sec.—, Cl.—.
- But in choosing the President the vote shall be taken by States, the representation from each State having one vote. [Amendments]—Art. 12, Sec.—, Cl.—.
- A quorum for choice of President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]—Art. 12, Sec.—, Cl.—.
- States* or the people. Powers not delegated to the United States, nor pro-

- hibited to the States, are reserved to the. [Amendments]—Art. 10, Sec.—, Cl.—.
- Suffrage* in the Senate. No State shall be deprived without its consent of its equal—Art. 5, Sec.—, Cl.—.
- Suits* at common law, where the value in controversy shall exceed \$20, shall be tried by jury. [Amendments]—Art. 7, Sec.—, Cl.—.
- In law or equity against one of the States, by citizens of another State, or by citizens of a foreign State. The judicial power of the United States shall not extend to. [Amendments]—Art. 11, Sec.—, Cl.—.
- Supreme Court.* Congress shall have power to constitute tribunals inferior to the—Art. 1, Sec. 8, Cl. 9.
- Supreme Court,* and such inferior courts as Congress may establish. The judicial power of the United States shall be vested in one—Art. 3, Sec. 1, Cl. —.
- Supreme Court.* The judges of the Supreme and inferior courts shall hold their offices during good behavior—Art. 3, Sec. 1, Cl. —.
- The compensation of the judges shall not be diminished during their continuance in office—Art. 3, Sec. 1, Cl. —.
- Shall have original jurisdiction. In all cases affecting ambassadors, other public ministers and consuls, and in which a State may be a party, the—Art. 3, Sec. 2, Cl. 2.
- Shall have appellate jurisdiction, both as to law and the fact, with such exceptions and regulations as Congress may make. The—Art. 3, Sec. 2, Cl. 2.
- Supreme law* of the land. This Constitution, the laws made in pursuance thereof, and the treaties of the United States, shall be the—Art. 6, Sec. —, Cl. 2.
- The judges in every State shall be bound thereby—Art. 6, Sec. —, Cl. 2.
- Suppress* insurrections and repel invasions. Congress shall provide for calling forth the militia to execute the laws—Art. 1, Sec. 8, Cl. 15.
- Suppression* of insurrection or rebellion shall not be questioned. The public debt, including the debt for pensions and bounties, incurred in the. [Amendments]—Art. 14, Sec. 4, Cl. —.

T.

- Tax* shall be laid unless in proportion to the census or enumeration. No capitation or other direct—Art. 1, Sec. 9, Cl. 4.
- Tax* or duty shall be laid on articles exported from any State. No—Art. 1, Sec. 9, Cl. 5.
- Taxes* (direct) and Representatives, how apportioned among the several States. [See 14th amendment, section 2]—Art. 1, Sec. 2, Cl. 3.
- Taxes,* duties, imposts, and excises. Congress shall have power to lay—Art. 1, Sec. 8, Cl. 1.
- They shall be uniform throughout the United States—Art. 1, Sec. 8, Cl. 1.
- Temporary appointments* until the next meeting of the legislature. If vacancies happen in the Senate in the recess of the legislature of a State, the executive of the State shall make—Art. 1, Sec. 3, Cl. 2.
- Tender* in payment of debts. No State shall make anything but gold and silver coin a—Art. 1, Sec. 10, Cl. 1.
- Term of four years.* The President and Vice-President shall hold their offices for the—Art. 2, Sec. 1, Cl. 1.
- Term* for which he is elected. No Senator or Representative shall be appointed to any office under the United States which shall have been created or its emoluments increased during the—Art. 1, Sec. 6, Cl. 2.

- Territory* or other property of the United States. Congress shall dispose of and make all needful rules and regulations respecting the—Art. 4, Sec. 3, Cl. 2.
- Test* as a qualification for any office or public trust shall ever be required. No religious—Art. 6, Sec.—, Cl. 3.
- Testimony* of two witnesses to the same overt act, or on confession in open court. No person shall be convicted of treason except on the—Art. 3, Sec. 3, Cl. 1.
- Three-fourths of the legislatures* of the States, or conventions in three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution—Art. 5, Sec.—, Cl.—.
- Tie.* The Vice-President shall have no vote unless the Senate be equally divided—Art. 1, Sec. 3, Cl. 4.
- Times, places and manner* of holding elections for Senators and representatives shall be prescribed in each State by the legislature thereof—Art. 1, Sec. 4, Cl. 1.
But Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators—Art. 1, Sec. 4, Cl. 1.
- Title of nobility.* The United States shall not grant any—Art. 1, Sec. 9, Cl. 8.
No State shall grant any—Art. 1, Sec. 10, Cl. 1.
- Title* of any kind, from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept of any—Art. 1, Sec. 9, Cl. 8.
- Tonnage* without the consent of Congress. No State shall lay any duty of—Art. 1, Sec. 10, Cl. 3.
- Tranquillity*, provide for the common defence, etc. To insure domestic. [Preamble]—Art.—, Sec.—, Cl.—.
- Treason* shall consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort—Art. 3, Sec. 3, Cl. 1.
No person shall, unless on the testimony of two witnesses to the same overt act, or on confession in open court, be convicted of—Art. 3, Sec. 3, Cl. 1.
Congress shall have power to declare the punishment of—Art. 3, Sec. 3, Cl. 2.
Shall not work corruption of blood. Attainder of—Art. 3, Sec. 3, Cl. 2.
Shall not work forfeiture, except during the life of the person attainted. Attainder of—Art. 3, Sec. 3, Cl. 2.
- Treason, bribery*, or other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed from office on impeachment for and conviction of—Art. 2, Sec. 4, Cl. 1.
- Treason, felony, and breach of the peace.* Senators and Representatives shall be privileged from arrest while attending, or while going to or returning from the session of Congress, except in cases of—Art. 1, Sec. 6, Cl. 1.
- Treasury*, but in consequence of appropriations made by law. No money shall be drawn from the—Art. 1, Sec. 9, Cl. 7.
- Treaties.* The President shall have power, with the advice and consent of the Senate, provided two-thirds of the Senators present concur, to make—Art. 2, Sec. 2, Cl. 2.
The judicial power shall extend to all cases arising under the Constitution, laws and—Art. 3, Sec. 2, Cl. 1.
They shall be the supreme law of the land, and the judges in every State shall be bound thereby—Art. 6, Sec.—, Cl. 2.
- Treaty*, alliance or confederation. No State shall enter into any—Art. 1, Sec. 10, Cl. 1.
- Trial*, judgment, and punishment according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment—Art. 1, Sec. 3, Cl. 7.

- Trial by jury.* All crimes, except in cases of impeachment, shall be tried by jury—Art. 3, Sec. 2, Cl. 3.
- Such trial shall be held in the State within which the crime shall have been committed—Art. 3, Sec. 2, Cl. 3.
- But when not committed within a State, the trial shall be at such a place as Congress may by law have directed—Art. 3, Sec. 2, Cl. 3.
- In all criminal prosecutions the accused shall have a speedy and public. [Amendments]—Art. 6, Sec. —, Cl. —.
- Suits at common law, when the amount exceeds \$20, shall be by. [Amendments]—Art. 7, Sec. —, Cl. —.
- Tribunals* inferior to the Supreme Court. Congress shall have power to constitute—Art. 1, Sec. 8, Cl. 9.
- Troops* or ships of war in time of peace without the consent of Congress. No State shall keep—Art. 1, Sec. 10, Cl. 3.
- Trust or profit* under the United States, shall be an elector for President and Vice President. No Senator, Representative, or person holding any office of—Art. 2, Sec. 1, Cl. 2.
- Two-thirds* of the members present. No person shall be convicted of an impeachment without the concurrence of—Art. 1, Sec. 3, Cl. 6.
- Two-thirds*, may expel a member. Each House, with the concurrence of—Art. 1, Sec. 5, Cl. 2.
- Two-thirds.* A bill returned by the President with his objections, may be repassed by each House by a vote of—Art. 1, Sec. 7, Cl. 2.
- Two-thirds* of the Senators present concur. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided—Art. 2, Sec. 2, Cl. 2.
- Two-thirds* of the Legislatures of the several States. Congress shall call a convention for proposing amendments to the Constitution, on the application of—Art. 5, Sec. —, Cl. —.
- Two-thirds* of both Houses shall deem it necessary. Congress shall propose amendments to the Constitution whenever—Art. 5, Sec. —, Cl. —.
- Two-thirds* of the States. When the choice of a President shall devolve on the House of Representatives, a quorum shall consist of a member or members from. [Amendments]—Art. 12, Sec. —, Cl. —.
- Two-thirds* of the whole number of Senators. A quorum of the Senate, when choosing a Vice President, shall consist of. [Amendments]—Art. 12, Sec. —, Cl. —.
- Two-thirds*, may remove the disabilities imposed by the third section of the fourteenth amendment. Congress, by a vote of. [Amendments]—Art. 14, Sec. 3, Cl. —.
- Two years.* Appropriations for raising and supporting armies shall not be for a longer term than—Art. 1, Sec. 8, Cl. 12.

U.

- Union.* To establish a more perfect. [Preamble]—Art. —, Sec. —, Cl. —.
- The President shall, from time to time, give to Congress information of the state of the—Art. 2, Sec. 3, Cl. 1.
- New States may be admitted by Congress into this—Art. 4, Sec. 3, Cl. 1.
- But no new State shall be formed or erected within the jurisdiction of another—Art. 4, Sec. 3, Cl. 1.
- Unreasonable* searches and seizures. The people shall be secured in their persons, houses, papers and effects against. [Amendments]—Art. 4, Sec. —, Cl. —.
- And no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be

- searched, and the persons or things to be seized. [Amendments]—Art. 4, Sec. —, Cl. —.
- Unusual* punishments inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and. [Amendments]—Art. 8, Sec. —, Cl. —.
- Use* without just compensation. Private property shall not be taken for public. [Amendments]—Art. 5, Sec. —, Cl. —.
- Useful* arts, by securing for limited times to authors and inventors the exclusive right to their writings and inventions. Congress shall have power to promote the progress of science and the—Art. 1, Sec. 8, Cl. 8.

V.

- Vacancies* happening in the representation of a State. The executive thereof shall issue writs of election to fill—Art. 1, Sec. 2, Cl. 4.
- Vacancies* happening in the Senate in the recess of the legislature of a State. How filled—Art. 1, Sec. 3, Cl. 2.
- Vacancies* that happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session. The President shall have power to fill—Art. 2, Sec. 2, Cl. 3.
- Validity* of the public debt incurred in suppressing insurrection against the United States, including debt for pensions and bounties, shall not be questioned. [Amendments]—Art. 14, Sec. 4, Cl. —.
- Vessels* bound to or from the ports of one State, shall not be obliged to enter, clear, or pay duties in another State—Art. 1, Sec. 9, Cl. 6.
- Veto* of a bill by the President. Proceedings of the two Houses upon the—Art. 1, Sec. 7, Cl. 2.
- Vice-President* of the United States shall be President of the Senate—Art. 1, Sec. 3, Cl. 4.
- He shall have no vote unless the Senate be equally divided—Art. 1, Sec. 3, Cl. 4.
- The Senate shall choose a President *pro tempore* in the absence of the—Art. 1, Sec. 3, Cl. 5.
- He shall be chosen for the term of four years—Art. 2, Sec. 1, Cl. 1.
- The number and the manner of appointing electors for President and—Art. 2, Sec. 1, Cl. 2.
- In case of the removal, death, resignation, or inability of the President, the powers and duties of his office shall devolve on the—Art. 2, Sec. 1, Cl. 5.
- Congress may provide by law for the case of the removal, death, resignation, or inability both of the President and—Art. 2, Sec. 1, Cl. 5.
- On impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors, shall be removed from office. The—Art. 2, Sec. 4, Cl. —.
- Vice-President. The manner of choosing the.* The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]—Article 12, Sec. —, Cl. —.
- The electors shall name, in distinct ballots, the person voted for as Vice-President. [Amendments]—Art. 12, Sec. —, Cl. —.
- They shall make distinct lists of the persons voted for as Vice-President, which lists they shall sign and certify, and send sealed to the seat of Government, directed to the President of the Senate. [Amendments]—Art. 12, Sec. —, Cl. —.
- The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall be then counted. [Amendments]—Art. 12, Sec. —, Cl. —.

- The person having the greatest number of votes shall be Vice-President, if such number be a majority of the whole number of electors. [Amendments]—Art. 12, Sec. —, Cl. —.
- If no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. [Amendments]—Art. 12, Sec. —, Cl. —.
- A quorum for this purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. [Amendments]—Art. 12, Sec. —, Cl. —.
- But if the House shall make no choice of a President before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. [Amendments]—Article 12, Sec. —, Cl. —.
- No person constitutionally ineligible as President shall be eligible as. [Amendments]—Art. 12, Sec. —, Cl. —.
- Violence.* The United States shall guarantee to every State a republican form of government, and shall protect each State against invasion and domestic—Art. 4, Sec. 4, Cl. —.
- Virginia* entitled to ten Representatives in the first Congress—Art. 1, Sec. 2, Cl. 3.
- Vote.* Each Senator shall have one—Art. 1, Sec. 3, Cl. 1.
- The Vice-President, unless the Senate be equally divided, shall have no—Art. 1, Sec. 3, Cl. 4.
- Vote* requiring the concurrence of the two Houses (except upon a question of adjournment) shall be presented to the President. Every order, resolution or—Art. 1, Sec. 7, Cl. 3.
- Vote*, shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The right of citizens of the United States to. [Amendments]—Art. 15, Sec. 1, Cl. —.
- Vote of two-thirds.* Each House may expel a member by a—Art. 1, Sec. 5, Cl. 2.
- A bill vetoed by the President may be repassed in each House by a—Art. 1, Sec. 7, Cl. 2.
- No person shall be convicted on an impeachment except by a—Art. 1, Sec. 3, Cl. 6.
- Vote of two-thirds.* Whenever both houses shall deem it necessary, Congress may propose amendments to the Constitution by a—Art. 5, Sec. —, Cl. —.
- The President may make treaties with the advice and consent of the Senate, by a—Art. 2, Sec. 2, Cl. 2.
- Disabilities incurred by participation in insurrection or rebellion, may be relieved by Congress by a. [Amendments]—Art. 14, Sec. 3, Cl. —.

W.

- War*, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to declare—Art. 1, Sec. 8, Cl. 11.
- For governing the land and naval forces. Congress shall have power to make rules and articles of—Art. 1, Sec. 8, Cl. 14.
- No State shall, without the consent of Congress, unless actually invaded, or in such imminent danger as will not admit of delay, engage in—Art. 1, Sec. 10, Cl. 3.
- War* against the United States, adhering to their enemies, and giving them aid and comfort. Treason shall consist only in levying—Art. 3, Sec. 3, Cl. 1.
- Warrants* shall issue but upon probable cause, on oath or affirmation,

- describing the place to be searched, and the person or things to be seized. No. [Amendments]—Art. 4, Sec. —, Cl. —.
- Weights and measures.* Congress shall fix the standard of—Art. 1, Sec. 8, Cl. 5.
- Welfare* and to secure the blessings of liberty, &c. To promote the general. [Preamble]—Art. —, Sec. —, Cl. —.
- Welfare.* Congress shall have power to provide for the common defense and general—Art. 1, Sec. 8, Cl. 1.
- Witness* against himself. No person shall, in a criminal case, be compelled to be a. [Amendments]—Art. 5, Sec. —, Cl. —.
- Witnesses* against him. In all criminal prosecutions the accused shall be confronted with the. [Amendments]—Art. 6, Sec. —, Cl. —.
- Witnesses* in his favor. In all criminal prosecutions the accused shall have compulsory process for obtaining. [Amendments]—Art. 6, Sec. —, Cl. —.
- Witnesses* to the same overt act, or on confession in open court. No person shall be convicted of treason unless on the testimony of two—Art. 3, Sec. 3, Cl. 1.
- Writ of habeas corpus* shall not be suspended unless in case of rebellion or invasion the public safety may require it—Art. 1, Sec. 9, Cl. 2.
- Writs* of election to fill vacancies in the representation of any State. The executives of the State shall issue—Art. 1, Sec. 2, Cl. 4.
- Written* opinion of the principal officer in each of the Executive Departments on any subject relating to the duties of his office. The President may require the—Art. 2, Sec. 2, Cl. 1.

Y.

- Yeas and nays* of the members of either House shall, at the desire of one-fifth of those present, be entered on the journals—Art. 1, Sec. 5, Cl. 3.
- The votes of both Houses upon the reconsideration of a bill returned by the President with his objections shall be determined by—Art. 1, Sec. 7, Cl. 2.

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

RATIFIED APRIL 24TH, 1868, AND APPROVED BY CONGRESS
JUNE 25TH, 1868.

Pemberton v. McRae, 75—497.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

SEC. 1. THE EQUALITY AND RIGHTS OF MEN.

That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator

with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. POLITICAL POWER AND GOVERNMENT.

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.

Nichols v. McKee, 68—429.

SEC. 3. INTERNAL GOVERNMENT OF THE STATE.

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

SEC. 4. THAT THERE IS NO RIGHT TO SECEDE.

That this State shall ever remain a member of the American Union; that the people thereof are 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.

SEC. 5. OF ALLEGIANCE TO THE U. S. GOVERNMENT.

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.

SEC. 6. PUBLIC DEBT; BONDS ISSUED UNDER ORDINANCE OF CONVENTION OF 1868, 68-69, 69-70, DECLARED INVALID; EXCEPTION. 1872-3, C. 85. 1879, C. 268.

The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either

directly or indirectly, expressed or implied, any debt or bond, incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Phillips v. Hooker, Phil. Eq., 193; Galloway v. R. R. Co., 63—147; R. R. Co. v. Holden, 63—410; Martin v. McMillan, 63—486; Turner v. R. R. Co., 63—522; Leak v. Com'rs., 64—132; Clemmons v. Hampton, 64—264; Setzer v. Com'rs., 64—516; Smitherman v. Sanders, 64—522; Critcher v. Holloway, 64—526; Rand v. State, 65—194; Martin v. McMillan, 65—199; McKesson v. Jones, 66—258; Kingsbury v. Suit, 66—601; Cronly v. Hall, 67—9; Poindexter v. Davis, 67—112; Logan v. Plummer, 70—388; Lance v. Hunter, 72—178; Davis v. Com'rs., 72—441; Horne v. State, 84—362.

SEC. 7. EXCLUSIVE EMOLUMENTS, &C.

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

Bank v. Taylor, 2 Mur., 266; McCree v. R. R. Co., 2 Jon., 186; R. R. Co. v. Reid, 64—226; Kingsbury v. R. R. Co., 66—284; Simontou v. Lanier, 71—498; State v. Morris, 77—512; Toll Bridge Co. v. Com'rs, 81—491.

SEC. 8. THE LEGISLATIVE, EXECUTIVE AND JUDICIAL POWERS DISTINCT.

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

Robinson v. Barfield, 2 Mur., 391; Hoke v. Henderson, 4 Dev., 1; Houston v. Bogle, 10 Ired., 496; R.R.Co. v. Jenkins, 68—502.

SEC. 9. OF THE POWER OF SUSPENDING LAWS.

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.

SEC. 10. ELECTIONS FREE.

All elections ought to be free.

R. R. Co. v. Battle, 66—540; Lilly v. Com'rs, 69—300.

SEC. 11. IN CRIMINAL PROSECUTIONS.

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

State v. Manuel, 4 D. & B., 20; State v. Tilghman, 11 Ired., 513; State v. Moss, 2 Jon., 66; State v. Thomas, 64—74; State v. Alman, 64—364; State v. Collins, 70—241; State v. Hodson, 74—151; State v. Cannady, 78—539; State v. Morris, 84—756.

SEC. 12. ANSWERS TO CRIMINAL CHARGES.

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

State v. Manuel, 4 D. & B., 20; State v. Moss, 2 Jon., 66; Kane v. Haywood, 66—1; State v. Branch, 68—186; State v. Simons, 68—378; State v. Cannady, 78—539; State v. Joyner, 81—534.

SEC. 13. RIGHT OF JURY.

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.

State v. Moss, 2 Jon., 66; State v. Dixon, 75—275; State v. Cannady, 78—539; State v. Rice, 83—661; State v. Powell, 86—640.

SEC. 14. EXCESSIVE BAIL.

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

State v. Manuel, 4 D. & B., 20; State v. Miller, 75—73; State v. Driver, 78—423; State v. Cannady, 78—539; State v. Pettie, 80—367.

SEC. 15. GENERAL WARRANTS.

General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly de-

scribed and supported by evidence, are dangerous to liberty and ought not to be granted.

SEC. 16. IMPRISONMENT FOR DEBT.

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

Burton v. Dickens, 3 Mur., 103; State v. Manuel, 4 D. & B., 20; State v. Palin, 63—471; State v. Green, 71—172; Daniel v. Owen, 72—340; Melvin v. Melvin, 72—384; Moore v. Green, 73—394; State v. Beasley, 75—211; Moore v. Mullen, 77—327; State v. Cannady, 78—539; Hoover v. Palmer, 80—313.

SEC. 17. NO PERSON TO BE TAKEN, &C., BUT BY LAW OF THE LAND.

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.

Jones v. Crittenden, 1 C. L. Repos., 385; Shaw v. Kennedy, N. C. Term., 158 (591); University v. Foy, 1 Mur., 58; Oats v. Darden, 1 Mur., 500; Hoke v. Henderson, 3 Dev., 12; Hoke v. Henderson, 4 Dev., 1; R. R. v. Davis, 2 D. & B., 451; State v. Humphreys, 2 D. & B., 555; State v. Manuel, 4 D. & B., 20; State v. Muse, 4 D. & B., 319; McNamara v. Kerns, 2 Ired., 66; Troy v. Mooten, 10 Ired., 377; Houston v. Bogle, 10 Ired., 496; Trice v. Turrentine, 10 Ired., 543; State v. Moss, 2 Jon., 66; State v. Glen, 7 Jon., 321; Cornelius v. Glen, 7 Jon., 512; Cotten v. Ellis, 7 Jon., 545; Barnes v. Barnes, 8 Jon., 366; Little v. Martin, Phil., 240; State v. Blalock, Phil., 242; Jacobs v. Smallwood, 63—112; Hill v. Kessler, 63—437; Miller v. Gibson, 63—635; Bank v. Jenkins, 64—719; *Ex parte* Schenck, 65—353; State v. Smith, 65—369; King v. Hunter, 65—603; Franklin v. Vannoy, 66—145; State v. Jones, 67—210; Brown v. Turner, 70—93; Harrison v. Styers, 74—290; Wilson v. Charlotte, 74—748; State v. Dixon, 75—275; London v. Headen, 76—72; Vann v. Pipkin, 77—408; Lyon v. Akin, 78—258.

SEC. 18. PERSONS RESTRAINED OF LIBERTY.

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.

In re Scheack, 74—607.

SEC. 19. CONTROVERSIES AT LAW RESPECTING PROPERTY.

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.

Cowles v. Brittain, 2 Hawks, 204; Smith v. Campbell, 3 Hawks, 590; R. R. v. Davis, 2 D. & B., 451; *Ex parte* Moore, 64—802;

Froelich v. Exp. Co., 67—1; Keener v. Finger, 70—35; Witkowsky v. Wasson, 71—451; Wilson v. Charlotte, 74—748; Chasteen v. Martin, 81—51.

SEC. 20. FREEDOM OF THE PRESS.

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.

SEC. 21. HABEAS CORPUS.

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

Ex parte Moore, 64—802; Wilson v. Charlotte, 74—748.

SEC. 22. PROPERTY QUALIFICATION.

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

Wilson v. Charlotte, 74—748.

SEC. 23. REPRESENTATION AND TAXATION.

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.

Moore v. Com'rs, 80—154.

SEC. 24. MILITIA AND THE RIGHT TO BEAR ARMS. Convention, 1875.

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.

State v. Speller, 86—697.

SEC. 25. RIGHT OF THE PEOPLE TO ASSEMBLE TOGETHER. Convention, 1875.

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.

SEC. 26. RELIGIOUS LIBERTY.

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

SEC. 27. EDUCATION.

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

SEC. 28. ELECTIONS SHOULD BE FREQUENT.

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

SEC. 29. RECURRENCE TO FUNDAMENTAL PRINCIPLES.

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

SEC. 30. HEREDITARY EMOLUMENTS, &C.

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

McRee v. R. R. Co., 2 Jon., 186; Toll Bridge Co. v. Com'rs, 81—491.

SEC. 31. PERPETUITIES, &C.

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

Bank v. Taylor, 3 Mur., 266; Griffin v. Graham, 1 Hawks, 96; Nav. Co. v. Benton, 3 Hawks, 10; State v. McGowen, 2 Ired. Eq., 9; State v. Gerard, 2 Ired. Eq., 210; McRee v. R. R. Co., 2 Jon., 186; R. R. Co. v. Reid, 64—155, 226; Simonton v. Lanier, 71—498; Toll Bridge Co. v. Com'rs, 81—491.

SEC. 32. EX POST FACTO LAWS.

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.

Dickinson v. Dickenson, 3 Mur., 328; Harrison v. Burgess, 1

Hawks, 384; State v. Pool, 5 Ired., 105; State v. Bond, 4 Jon., 9; State v. Bell, Phil., 76; State v. Blalock, Phil., 242; Hinton v. Hinton, Phil., 410; State v. Cook, Phil., 535. State v. Keith, 63—140; Franklin v. Vannoy, 66—145; Young v. Henderson, 76—420; Toll Bridge Co. v. Com'rs, 81—491; R. R. Co., v. Com'rs, 82—259; Tabor v. Ward, 83—291; Wilkerson v. Buchanau, 83—296; State v. Buck, 73—266, 630.

SEC. 33. SLAVERY PROHIBITED.

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.

SEC. 34. STATE BOUNDARIES.

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

SEC. 35. COURTS SHALL BE OPEN.

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.

McAdoo v. Benbow, 63—461; Wilson v. Charlotte, 74—748; Hewlett v. Nutt, 79—263.

SEC. 36. SOLDIERS IN TIME OF PEACE.

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

SEC. 37. OTHER RIGHTS OF THE PEOPLE.

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.

R. R. Co. v. Holden, 63—410; R. R. Co. v. Reid, 64—155; Nichols v. McKee, 68—429; Welker v. Bledsoe, 68—457.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SEC. 1. TWO BRANCHES.

The Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: A Senate and House of Representatives.

SEC. 2. TIME OF ASSEMBLING. 1872-3, c. 82. Convention, 1875.

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.

SEC. 3. NUMBER OF SENATORS.

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

SEC. 4. REGULATIONS IN RELATION TO DISTRICTING THE STATE FOR SENATORS. 1872-3, c. 81.

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.

Com'rs v. Ballard, 69—18.

SEC. 5. REGULATIONS IN RELATION TO APPORTIONMENT OF REPRESENTATIVES. 1872-3, c. 82.

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 for the Senate are hereinbefore directed to be laid off.

Mills v. Williams, 11 Ired., 558; Com'rs v. Ballard, 69—18.

SEC. 6. RATIO OF REPRESENTATION.

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 twice 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.

SEC. 7. QUALIFICATIONS FOR SENATORS.

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.

SEC. 8. QUALIFICATIONS FOR REPRESENTATIVES.

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.

SEC. 9. ELECTION OF OFFICERS.

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

SEC. 10. POWERS IN RELATION TO DIVORCE AND ALIMONY.

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

SEC. 11. PRIVATE LAWS IN RELATION TO NAMES OF PERSONS, &C.

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.

SEC. 12. THIRTY DAYS' NOTICE SHALL BE GIVEN ANTERIOR TO PASSAGE OF PRIVATE LAWS.

The General Assembly shall not pass any private law, unless it shall be made to appear 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.

Brodnax v. Groom, 64—244; *Gatlin v. Tarboro*, 78—119.

SEC. 13. VACANCIES.

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.

University v. McIver, 72—76.

SEC. 14. REVENUE.

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 to 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 reading of the bill shall have been entered on the Journal.

Galloway v. R. R. Co., 63—147.

SEC. 15. ENTAILS.

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

SEC. 16. JOURNALS.

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

SEC. 17. PROTEST.

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

SEC. 18. OFFICERS OF THE HOUSE.

The House of Representatives shall choose their own speaker and other officers.

Nichols v. McKee, 68—429.

SEC. 19. PRESIDENT OF THE SENATE.

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

SEC. 20. OTHER SENATORIAL OFFICERS.

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.

Nichols v. McKee, 68—429.

SEC. 21. STYLE OF THE ACTS.

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

SEC. 22. POWERS OF THE GENERAL ASSEMBLY.

Each House shall be judge of the qualifications and elections 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.

SEC. 23. BILLS AND RESOLUTIONS TO BE READ THREE TIMES, &C.

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

Brodnax v. Groom, 64—244; Scarborough v. Robinson, 81—409.

SEC. 24. OATH FOR MEMBERS.

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. TERMS OF OFFICE. Convention, 1875.

The terms of office for Senators and members of the

House of Representatives shall commence at the time of their election.

Appendix, 64—785; Aderholt v. McKee, 65—257.

SEC. 26. YEAS AND NAYS.

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

SEC. 27. ELECTION FOR MEMBERS OF THE GENERAL ASSEMBLY. Convention, 1875.

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.

Loftin v. Sowers, 65—251.

SEC. 28. PAY OF MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY; EXTRA SESSION. Convention, 1875.

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.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SEC. 1. OFFICERS OF THE EXECUTIVE DEPARTMENT; TERMS OF OFFICE.

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 after the first day of January.

Aderholt v. McKee, 65—257; Battle v. McIver, 68—467.

SEC. 2. QUALIFICATIONS OF GOVERNOR AND LIEUTENANT GOVERNOR.

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

SEC. 3. RETURNS OF ELECTIONS.

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 officer, 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 persons having the highest number of votes respectively shall be declared duly elected; but if two or more

be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly, in such manner as shall be prescribed by law.

O'Hara v. Powell, 80—103.

SEC. 4. OATH OF OFFICE FOR GOVERNOR.

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.

SEC. 5. DUTIES OF GOVERNOR.

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.

SEC. 6. REPRIEVES, COMMUTATIONS AND PARDONS.

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

State v. Underwood, 64—599; State v. Mooney, 74—98; State v. Alexander, 76—231.

SEC. 7. ANNUAL REPORTS FROM OFFICERS OF EXECUTIVE DEPARTMENT AND OF PUBLIC INSTITUTIONS.

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.

Nichols v. McKee, 68—429; Welker v. Bledsoe, 68—457.

SEC. 8. COMMANDER-IN-CHIEF.

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.

SEC. 9. EXTRA SESSION OF GENERAL ASSEMBLY.

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. OFFICERS WHOSE APPOINTMENTS ARE NOT OTHERWISE PROVIDED FOR. Convention, 1875.

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.

R. R. v. Holden, 63—410; Clark v. Stanley, 66—59; State v. Pender, 66—313; Nichols v. McKee, 68—429; Welker v. Bledsoe, 68—457; Battle v. McIver, 68—467; Howerton v. Tate, 68—546; University v. McIver, 72—76; Sneed v. Bullock, 80—132; People v. McGowan, 68—520.

SEC. 11. DUTIES OF THE LIEUTENANT GOVERNOR.

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.

SEC. 12. IN CASE OF IMPEACHMENT OF GOVERNOR, OR VACANCY CAUSED BY DEATH OR RESIGNATION.

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 or Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities 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 elect such President.

SEC. 13. DUTIES OF OTHER EXECUTIVE OFFICERS.

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.

Boner v. Adams, 65—639; Clark v. Stanley, 66—59; Nichols v. McKee, 68—429; Welker v. Bledsoe, 68—457; Battle v. McIver, 68—467; Cloud v. Wilson, 72—155; Sneed v. Bullock, 80—132.

SEC. 14. COUNCIL OF STATE.

The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General

Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

SEC. 15. COMPENSATION OF EXECUTIVE OFFICERS.

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.

SEC. 16. SEAL OF STATE.

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.

SEC. 17. DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS. Convention, 1875.

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.

SEC. 1. ABOLISHES DISTINCTION BETWEEN ACTIONS AT LAW AND SUITS IN EQUITY, AND FEIGNED ISSUES.

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

shall also be abolished, and the fact at issue tried by order of Court before a jury.

State v. Baker, 63—276; Mitchell v. Henderson, 63—643; State v. McIntosh, 64—607; Tate v. Powe, 64—644; Harkey v. Houston, 65—137; Froelich v. Exp. Co. 67—1; Belmont v. Reilly, 71—260; Tidline v. Hickerson, 72—421; Bitting v. Thaxton, 72—541; Abrams v. Cureton, 74—523; Blake v. Askew, 76—325.

SEC. 2. DIVISION OF JUDICIAL POWERS. Convention, 1875.

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

McAdoo v. Benbow, 63—461; Wilmington v. Davis, 63—582. Edenton v. Wool, 65—379; State v. Pender, 66—313; Froelich v. Exp. Co., 67—1; Rowark v. Gaston, 67—291; State v. Davis, 69—495; State v. Ketchey, 70—621; State v. Cherry, 72—123; State v. Threadgill, 76—17; Washington v. Hammond, 76—33; State v. Spurtin, 80—362.

SEC. 3. TRIAL COURT OF IMPEACHMENT.

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.

SEC. 4. IMPEACHMENT.

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.

SEC. 5. TREASON AGAINST THE STATE.

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. SUPREME COURT JUSTICES. Convention, 1875.

The Supreme Court shall consist of a Chief Justice and two Associate Justices.

SEC. 7. TERMS OF THE SUPREME COURT. Convention, 1875.

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

SEC. 8. JURISDICTION OF SUPREME COURT. Convention, 1875.

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.

Graham v. Skinner, 4 Jon. Eq., 94; Heilig v. Stokes, 63—612; Biggs *ex parte*, 64—202; Rogers v. Goodwin, 64—278; State v. Jefferson, 66—309; Isler v. Brown, 67—175; Foushee v. Pattershall, 67—453; Long v. Holt, 68—53; Rush v. Steamboat Co., 68—72; McKinnon v. Faulk, 68—279; Keener v. Finger, 70—35; *In re*. Schenek, 74—607; Jones v. Boyd, 80—258; Simmons v. Foscue, 81—87; Shields v. Whitaker, 82—516; Greensboro v. Scott, 84—184; McMillan v. Baker, 85—291.

SEC. 9. CLAIMS AGAINST THE STATE.

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.

Bledsoe v. State, 64—392; Reynolds v. State, 64—460; Rand v. State, 65—194; Battle v. Thompson, 65—406; Boner v. Adams, 65—639; Bayne v. Jenkins, 66—356; Sinclair, v. State, 69—47; Horne v. State, 82—382; Horne v. State, 84—362; Bain v. State, 86—49; Clodfelter v. State, 86—51.

SEC. 10. JUDICIAL DISTRICTS FOR SUPERIOR COURTS. Convention, 1875.

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.

State v. Adair, 66—298; State v. Taylor, 76—64; State v. Spurlin, 80—362.

SEC. 11. RESIDENCES OF JUDGES, ROTATION IN JUDICIAL DISTRICTS, SPECIAL TERMS. Convention, 1875.

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.

Myers v. Hamilton, 65—567; Howes v. Mauney, 66—218; State v. Adair, 66—298; State v. Ketchey, 70—621; State v. Watson, 75—136; State v. Munroe, 80—373; State v. McGimsey, 80—377; State v. Bowman, 80—432.

SEC. 12. JURISDICTION OF COURTS INFERIOR TO SUPREME COURT. Convention, 1875.

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.

Donaldson v. Waldrap, 63—507; Wilmington v. Davis, 63—582; Credle v. Gibbs, 65—192; Bryan v. Rousseau, 71—194; State v. Upchurch, 72—146; State v. Burk, 73—266; Washington v. Hammond, 76—33; Bralton v. Davidson, 79—423; Walton v. Walton, 80—26; State v. Spurlin, 80—362; State v. Munroe, 80—373; Simpson v. Jones, 82—323.

SEC. 13. IN CASE OF WAIVER OF TRIAL BY JURY.

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.

Armfield v. Brown, 70—27; *Keener v. Finger*, 70—35.

SEC. 14. SPECIAL COURTS IN CITIES.

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.

Wilmington v. Davis, 63—582; *Edenton v. Wool*, 65—379; *State v. Walker*, 65—461; *State v. Pender*, 66—314; *Washington v. Hammond*, 76—33.

SEC. 15. CLERK OF THE SUPREME COURT.

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

SEC. 16. ELECTION OF SUPERIOR COURT CLERK.

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.

University v. McIver, 72—76; *Clarke v. Carpenter*, 81—309.

SEC. 17. TERM OF OFFICE.

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

SEC. 18. FEES, SALARIES AND EMOLUMENTS.

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.

King v. Hunter, 65—603; *Bunting v. Gales*, 77—283; *Buxton v. Com'rs*, 82—91.

SEC. 19. WHAT LAWS ARE. AND SHALL BE IN FORCE.

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.

State v. Baker, 63—276; *State v. Hairston*, 63—451; *State v. Jarvis*, 63—556; *Boyle v. New Berne*, 64—664; *King v. Hunter*, 65—603; *State v. King*, 69—419; *State v. Colbert*, 75—368; *State v. Underwood*, 63—98.

SEC. 20. DISPOSITION OF ACTIONS AT LAW AND SUITS IN EQUITY, PENDING WHEN THIS CONSTITUTION SHALL GO INTO EFFECT, &C.

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.

Teague v. James, 63—91; *Gaither v. Gibson*, 63—93; *Stephenson v. Todd*, 63—363; *Mason v. Miles*, 63—564; *Foard v. Alexander*, 64—69; *Johnson v. Sedberry*, 65—1; *Ross v. Alexander*, 65—576; *Green v. Moore*, 66—425; *Lee v. Howell*, 69—200; *Baldwin v. York*, 71—463; *Sharpe v. Williams*, 76—87; *Patton v. Shipman*, 81—347; *Lash v. Thomas*, 86—313.

SEC. 21. ELECTION, TERMS OF OFFICE, &C., OF JUSTICES OF THE SUPREME, AND JUDGES OF THE SUPERIOR COURTS. Convention, 1875.

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.

Loflin v. Sowers, 65—251; *University v. McIver*, 72—76; *Cloud v. Wilson*, 72—155; *Hargrove v. Hilliard*, 72—169.

SEC. 22. TRANSACTION OF BUSINESS IN THE SUPERIOR COURTS.

The Superior Courts 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.

McAdoo v. Benbow, 63—461; *Foard v. Alexander*, 64—69; *Hunt v. Sneed*, 64—180; *Green v. Moore*, 66—425; *Hervey v. Edmunds*, 68—243; *Harrell v. Peebles*, 79—26; *Com'rs v. Cook*, 86—18.

SEC. 23. SOLICITORS FOR EACH JUDICIAL DISTRICT.

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. SHERIFFS AND CORONERS.

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 the 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 for the county may appoint to such office for the unexpired term.

Lofin v. Sowers, 65—251; *King v. Hunter*, 65—603; *Wilkousky v. Wasson*, 69—38; *Lee v. Dunn*, 73—595; *Worley v. Smith*, 81—304; *King v. McLure*, 84—153.

SEC. 25. VACANCIES. Convention, 1875.

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

State v. Pender, 66—313; *Nichols v. McKee*, 68—429; *Cloud v. Wilson*, 72—155; *Hargrove v. Hilliard*, 73—169; *Burkman v. Com'rs*, 80—121; *Worley v. Smith*, 81—304; *King v. McLure*, 84—153.

SEC. 26. TERMS OF OFFICE OF FIRST OFFICERS.

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 As-

sembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Lofin v. Sowers, 65—251; Aderholt v. McKee, 65—257.

SEC. 27. JURISDICTION OF JUSTICES OF THE PEACE. Convention, 1875.

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 the same with the Clerk of the Superior Court for his county.

Rives v. Guthrie, 1 Jon., 84; Wilmington v. Davis, 63—583; State v. Johnson, 64—581; Hedgecock v. Davis, 64—650; Credle v. Gibbs, 65—192; Edenton v. Wool, 65—379; State v. Deaton, 65—496; State v. Pendleton, 65—617; State v. Pender, 66—313; Froneburger v. Lec, 66—333; Winslow v. Weith., 66—432; Dulin v. Howard, 66—433; Froeich v. Exp. Co., 67—1; Davis v. Baker, 67—388; Fell v. Porter, 69—140; Caldwell v. Beatty, 69—364; State v. Yarborough, 70—250; 250; State v. Heidelberg, 70—496; R. R. Co. v. Sharpe, 70—509; Bullinger v. Marshall, 70—520; Bryan v. Rousseau, 71—194; State v. Vermington, 71—263; Templeton v. Summers, 71—269; State v. Perry, 71—522; State v. Cherry, 72—123; State v. Upchurch, 72—146; State v. Presley, 72—204; State v. Quick, 72—241; Latham v. Rollins, 72—454; State v. Bailey, 73—70; State v. Buck, 73—266; State v. Buck, 73—630; Forsythe v. Bullock, 74—135; Hendrick v. Mayfield, 74—626; Hinton v. Davis, 75—18; Pullen v. Green, 75—215; Nance v. R. R. Co., 76—9; State v. Threadgill, 76—17; Heyer v. Beatty, 76—28; State v. Styles, 76—156; Evans v. Williamson, 79—88; State v. Edney, 80—360; State v. Anderson, 80—429; Murphy v. McNeill, 82—221; McDonald v. Cannon, 82—245; Dalton v. Webster, 82—279; State v. Moore 82—659; Derr v. Stubbs, 83—539; State v. Jones, 83—657; State v. Rice, 83—661; Fisher v. Webb, 84—44; Brickell v. Bell, 84—

82; Katzen-tein v. R. R. Co., 84—688; Morris v. Saunders, 85 138; Boyett v. Vaughan, 85—303; Coggins v. Harrell, 86—317; Allen v. Jackson, 86—321; McAdoo v. Callum, 86—419; McLane v. Layton, 76—571; Love v. Rhyne, 86—576; State v. Powell, 86—640; Lutz v. Thompson, 87—334; Hannah v. R. R. Co., 87—351; Boing v. R. R. Co., 87—360; London v. Headen, 76—72.

SEC. 28. VACANCIES IN OFFICE OF JUSTICES.

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.

Cloud v. Wilson, 72—155.

SEC. 29. VACANCIES IN OFFICE OF SUPERIOR COURT CLERK.

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

SEC. 30. OFFICERS OF OTHER COURTS INFERIOR TO SUPREME COURT. Convention, 1875.

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

SEC. 31. REMOVAL OF JUDGES OF THE VARIOUS COURTS FOR INABILITY. Convention, 1875.

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

SEC. 32. REMOVAL OF CLERKS OF THE VARIOUS COURTS FOR INABILITY. Convention, 1875.

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 Courts, 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.

SEC. 33. AMENDMENTS NOT TO VACATE EXISTING OFFICES. Convention, 1875.

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.

SEC. 1. CAPITATION TAX; EXEMPTIONS.

The General Assembly shall levy a capitation tax on every male inhabitant of 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.

Gardner v. Hall, Phil., 21; University v. Holden, 63—410; Sedbury v. Com'rs, 66—486; Johnson v. Com'rs, 67—101; Street v. Com'rs, 70—644; Brothers v. Com'rs, 70—726; Mauney v. Com'rs, 71—486; Brown v. Com'rs, 72—388; French v. Com'rs, 74—692; Griffin v. Com'rs, 74—701; French v. Wilmington, 75—477; Clifton v. Wynne, 80—145; Cromartie v. Com'rs, 85—211; Cromartie v. Com'rs, 87—134.

SEC. 2. APPLICATION OF PROCEEDS OF STATE AND COUNTY CAPITATION TAX.

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.

Jacobs v. Smallwood, 63—112; Durham v. Bostick, 72—353.

SEC. 3. TAXATION SHALL BE BY UNIFORM RULE AD VALOREM.

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.

University v. Holden, 63—410; Pullen v. Com'rs, 66—361; Pullen v. Com'rs, 68—451; Lilly v. Com'rs, 69—300; Ruffin v. Com'rs, 69—498; R. R. Co. v. Com'rs, 72—10; Railway Co. v. Wilmington, 72—73; Wilson v. Charlotte, 74—748; Kyle v. Mayor and Com'rs, 75—445; French v. Wilmington, 75—477; Young v. Henderson, 76—420; Gatlin v. Tarboro, 78—119; Hewlett v. Nutt, 79—263; Mowery v. Salisbury, 82—175; Belo v. Com'rs, 82—415; Worth v. Com'rs, 82—420; R. R. Co. v. Com'rs, 84—504; Cain v. Com'rs, 86—8; Wilmington v. Macks, 86—88; R. R. v. Com'rs, 75—477.

SEC. 4. RESTRICTIONS UPON THE INCREASE OF THE PUBLIC DEBT EXCEPT IN CERTAIN CONTINGENCIES.

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

Galloway v. R. R. Co., 63—147; University v. Holden, 68—410; R. R. Co. v. Jenkins, 65—173; Mauney v. Com'rs, 71—486.

SEC. 5. PROPERTY EXEMPT FROM TAXATION. 1872-3,
c. 83.

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.

R. R. Co. v. Com'rs, 75—474; R. R. Co. v. Com'rs, 84—504.

SEC. 6: TAXES LEVIED BY COUNTY COMMISSIONERS.

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.

University v. Holden, 63—410; Brodnax v. Groom, 64—244; Pegram v. Com'rs, 64—557; Simmons v. Wilson, 66—336; Johnston v. Com'rs, 67—101; Pullen v. Com'rs, 68—451; Haughton v. Com'rs, 70—466; Street v. Com'rs, 70—644; Mauney v. Com'rs, 71—486; Trull v. Com'rs, 72—388; R. R. Co. v. Com'rs, 72—486; R. R. Co. v. Com'rs, 74—506; French v. Com'rs, 74—692; Griffin v. Com'rs, 74—701; Wilson v. Charlotte, 74—748; French v. Wilmington, 75—477; Satterthwaite v. Com'rs, 76—153; Young v. Henderson, 76—420; Clifton v. Wynne, 80—145; Cromartie v. Com'rs, 85—211; Cain v. Com'rs, 86—8; Cromartie v. Com'rs, 87—134; Kyle v. Com'rs, 75—445, 449.

SEC. 7. ACTS LEVYING TAXES, SHALL STATE OBJECT,
&c.

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.

University v. Holden, 63—410; Clifton v. Wynne, 80—145.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SEC. 1. QUALIFICATIONS OF AN ELECTOR. Convention,
1875.

Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State

twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open Court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Roberts v. Cannon, 4 D. & B., 256; Jacobs v. Smallwood, 63—112; Perry v. Whitaker, 71—475; University v. McIver, 72—76; R. R. Co. v. Com'rs, 72—486; Van Bokkelen v. Canady, 73—198; Lee v. Dunn, 73—595; State v. Jones, 82—685.

SEC. 2. REGISTRATION OF ELECTORS.

It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

Perry v. Whitaker, 71—475; R. R. Co. v. Com'rs, 72—486; Van Bokkelen v. Canady, 73—198.

SEC. 3. ELECTIONS BY PEOPLE AND GENERAL ASSEMBLY.

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

SEC. 4. OATH OF OFFICE.

Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

SEC. 5. DISQUALIFICATION FOR OFFICE.

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 of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

SEC. 1. COUNTY OFFICERS.

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.

Aderholt v. McKee, 65—257; Van Bokkelen v. Canady, 73—198; Rhodes v. Lewis, 80—136.

SEC. 2. DUTY OF COUNTY COMMISSIONERS.

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.

Barrington v. Ferry Co., 69—165.

SEC. 3. COUNTIES TO BE DIVIDED INTO DISTRICTS.

It shall be the duty of the commissioners first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

University v. Holden, 63—410; Gooch v. Gregory, 65—142; Lane v. Stanley, 65—153; Barrington v. Ferry Co., 69—165; Mitchell v. Trustees, 71—400; Bladen Co. v. Clarke, 73—255; Wade v. Com'rs, 74—81; Grady v. Com'rs, 74—101; Canal Co. v. McAlister, 74—159; Wilson v. Charlotte, 74—748; Tucker v. Raleigh, 75—267, 272; McNeill v. Green, 75—329; Gamble v. McCrady, 75—509; Wallace v. Trustees, 84—164.

SEC. 4. SAID DISTRICTS SHALL HAVE CORPORATE POWERS AS TOWNSHIPS.

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.

Lane v. Stanley, 65—153; Payne v. Caldwell, 65—488; Mitchell v. Trustees, 71—400; Wallace v. Trustees, 84—164.

SEC. 5. OFFICERS OF TOWNSHIPS.

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 duty shall be prescribed by law.

Wilmington v. Davis, 63—582; Conoley v. Harris, 64—662; Edenton v. Wool, 65—379; Haughton v. Com'rs, 70—466; Mitchell v. Trustees, 71—400; Simpson v. Com'rs, 84—158; Wallace v. Trustees, 84—164.

SEC. 6. TRUSTEES SHALL ASSESS PROPERTY.

The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

R. R. Co. v. Com'rs, 72—10; Railway Co. v. Wilmington, 72—73; R. R. Co. v. Governor, 74—707; Cobb v. Elizabeth City, 75—1; R. R. Co. v. Com'rs, 82—259; R. R. Co. v. Com'rs, 84—504.

SEC. 7. NO DEBT OR LOAN EXCEPT BY A MAJORITY OF VOTERS.

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.

University v. Holden, 63—410; Winslow v. Com'rs, 64—218; Brodnax v. Groom, 64—244; Lane v. Stanly, 65—153; Payne v. Caldwell, 65—488; Dellinger v. Tweed, 66—206; Reiger v. Com'rs, 70—319; Weinstein v. Com'rs, 71—525; Trull v. Com'rs, 72—388; R. R. Co. v. Com'rs, 72—486; Van Bokkeleu v. Candy, 73—198; Grady v. Com'rs, 74—101; French v. Com'rs, 74—692; Wilson v. Charlotte, 74—748; Tucker v. Raleigh, 75—267; Kyle v. Com'rs, 75—445; French v. Wilmington, 75—477; Young v. Henderson, 76—420; Gattin v. Tarboro, 78—119; Simpson v. Com'rs, 84—158; Norment v. Charlotte, 85—387; Shuford v. Com'rs, 86—552.

SEC. 8. DRAWING OF MONEY.

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

Grady v. Com'rs, 74—101.

SEC. 9. TAXES TO BE AD VALOREM.

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.

Pullen v. Raleigh, 68—451; Weinstein v. Com'rs, 71—535; Railway Co. v. Wilmington, 72—73; Wilson v. Charlotte, 74—748; Cobb v. Elizabeth City, 75—1; Kyle v. Com'rs, 75—445; Young v. Henderson, 76—420; Moore v. Com'rs, 80—154; Cain v. Com'rs, 86—8.

SEC. 10. WHEN OFFICERS ENTER ON DUTY.

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.

SEC. 11. GOVERNOR TO APPOINT JUSTICES.

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.

Nichols v. McKee, 68—429.

SEC. 12. CHARTERS TO REMAIN IN FORCE UNTIL LEGALLY CHANGED.

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

SEC. 13. DEBTS IN AID OF THE REBELLION NOT TO BE PAID.

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.

Leak v. Com'rs, 64—132; Winslow v. Com'rs, 64—218; Setzer v. Com'rs, 64—516; Rand v. State, 65—194; Poindexter v. Davis, 67—112; Weith v. Wilmington, 68—24; Logan v. Plummer, 70—388; Lance v. Hunter, 72—178; Davis v. Poindexter, 72—441; Brickell v. Com'rs, 81—240.

SEC. 14. POWERS OF GENERAL ASSEMBLY OVER MUNICIPAL CORPORATIONS. Convention, 1875.

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.

Jones v. Jones, 80—127; Sneed v. Bullock, 80—132. Act of 1876-7, C. 141.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SEC. 1. CORPORATIONS UNDER GENERAL LAWS.

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 corporations 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.

State v. Petway, 2 Jon. Eq., 396; State v. Matthews, 3 Jon., 451; R. R. Co. v. Reid, 64—155; R. R. Co. v. Reid, 64—226; Clark v. Stanley, 66—59; State v. Jones, 67—210; R. R. Co. v. Rollins, 82—523.

SEC. 2. DEBTS OF CORPORATIONS, HOW SECURED.

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

Van Bokkelen v. Canady, 73—198.

SEC. 3. WHAT CORPORATIONS SHALL INCLUDE.

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. LEGISLATURE TO PROVIDE FOR ORGANIZING CITIES, TOWNS, &C.

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 assessments and in contracting debts by such municipal corporations.

Dellinger v. Twed, 66—206; Pullen v. Raleigh, 68—451; Van Bokkelen v. Canady, 73—198; Wilson v. Charlotte, 74—748; Tucker v. Raleigh, 75—267; French v. Wilmington, 75—477; Gatlin v. Tarboro, 78—119.

ARTICLE IX.

EDUCATION.

SEC. 1. EDUCATION SHALL BE ENCOURAGED.

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

Lane v. Stanly, 65—153.

SEC. 2. GENERAL ASSEMBLY SHALL PROVIDE FOR SCHOOLS; SEPARATION OF THE RACES. Convention; 1875.

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.

SEC. 3. COUNTIES TO BE DIVIDED INTO DISTRICTS.

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.

SEC. 4. WHAT PROPERTY DEVOTED TO EDUCATIONAL PURPOSES. Convention, 1875.

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 term 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.

University v. Holden, 63—410.

SEC. 5. COUNTY SCHOOL FUND; PROVISIO. Convention, 1875.

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 of this State: *Provided*, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

University v. McIver, 72—76; Katzenstein v. R. R. Co., 84—688.

SEC. 6. ELECTION OF TRUSTEES, AND PROVISIONS FOR MAINTENANCE OF UNIVERSITY. 1872-3, c. 86.

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.

University v. McIver, 72—76; University v. R. R. Co., 76—103.

SEC. 7. BENEFITS OF THE UNIVERSITY.

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.

University v. Maulsby, 8 Ired. Eq., 257; University v. R. R. Co., 76—103.

SEC. 8. BOARD OF EDUCATION.

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

SEC. 9. PRESIDENT AND SECRETARY.

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

SEC. 10. POWER OF THE BOARD.

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

SEC. 11. FIRST SESSION OF THE BOARD.

The first session of the Board of Education shall be held at the capitol 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.

SEC. 12. QUORUM.

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

SEC. 13. EXPENSES.

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

SEC. 14. AGRICULTURAL DEPARTMENT.

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.

SEC. 15. CHILDREN MUST ATTEND SCHOOL.

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.

SEC. 1. EXEMPTION OF PERSONAL PROPERTY.

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

Dean v. King, 13 Ired., 20; Hill v. Kessler, 63—437; McKeithan v. Terry, 64—25; Horton v. McCall, 66—159; Johnson v. Cross, 66—167; Watts v. Leggett, 66—197; Dellinger v. Tweed, 66—206; Burns v. Harris, 66—509; Burns v. Harris, 67—140; Garrett v. Chesire, 69—396; Duvall v. Rollins, 71—218; Curlee v. Thomas, 74—51; Edwards v. Kearsy, 74—241; overruled by 96 U. S. 595, see 79 N. C., 664; Com'rs v. Riley, 75—144; Gaster v. Hardie, 75—460; Vann v. B. & L. Ass., 75—494; Pemberton v. McRae, 75—497; Welch v. Macy, 78—240; Richardson v. Wicker, 80—172; Earle v. Hardie, 80—177; Gamble v. Rhyne, 80—183; Gheen v. Summey, 80—187; Durham v. Speeke, 82—87; Smith v. McMillan, 84—593; Slaughter v. Winfrey, 85—159.

SEC. 2. HOMESTEAD.

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

shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

McKeithan v. Terry, 64—25; Sluder v. Rogers, 64—289; Lute v. Reilly, 65—20; Poe v. Hardie, 65—447; Ladd v. Adams, 66—164; Wats v. Leggett, 66—197; Dellinger v. Tweed, 66—206; Martin v. Hughes, 67—293; Cheatham v. Jones, 68—153; Crummen v. Bennet, 68—494; Hagar v. Nixon, 69—108; Mayho v. Cotton, 69—289; McAfee v. Bettis, 72—23; Branch *ex parte*, 72—106; Abbott v. Cromartie, 72—292; Whitaker v. Elliott, 73—186; Edwards v. Kearsy, 74—241, overruled by 96 U. S., 595, see 79 N. C., 664; Lambert v. Kinnery, 74—348; Beavan v. Speed, 74—544; Brodie v. Batchelor, 75—51; Com'rs v. Riley, 75—144; Edwards v. Kearsy, 75—411; Pemberton v. McRae, 75—497; Littlejohn v. Egerton, 77—379; Welch v. Macy, 78—240; Bunting v. Jones, 78—242; Spoon v. Reid, 78—244; Bank v. Green, 78—247; Suit v. Suit, 78—272; Wharton v. Leggett, 80—169; Richardson v. Wicker, 80—172; Gheen v. Summey, 80—187; Bruce v. Strickland, 81—267; Murphy v. McNeill, 82—221; Adrian v. Shaw, 82—474; Watkins v. Overby, 83—165; Gamble v. Watterson, 83—573; Smith v. High, 85—93; Wyche v. Wyche, 85—96; McDonald v. Dickson, 85—248; Grant v. Edwards, 86—513; Gregory v. Ellis, 86—579; Gill v. Edwards, 87—76; Murchison v. Plyler, 87—79; Cummiug v. Bloodworth, 87—83; Burton v. Spiers, 87—87; Butler v. Stainback, 87—216; Wilson v. Patton, 87—318.

SEC. 3. HOMESTEAD EXEMPTED FROM DEBT.

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

Hill v. Kessler, 63—437; Poe v. Hardie, 65—447; Hagar v. Nixon, 69—108; Allen v. Shields, 72—504; Beavan v. Speed, 74—544; Welch v. Macy, 78—240; Wharton v. Leggett, 80—169; Simpson v. Wallace, 83—477; Gamble v. Watterson, 83—573; Gregory v. Ellis, 86—579.

SEC. 4. LABORER'S LIEN.

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

Cumming v. Bloodworth, 87—83.

SEC. 5. BENEFIT OF WIDOW.

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

Poe v. Hardie, 65—447; Johnson v. Cross, 66—167; Wats v. Leggett, 66—197; Hagar v. Nixon, 69—108; Beavan v. Speed, 74—544; Wharton v. Leggett, 80—169; Richardsou v. Wicker, 80—172; Simpson v. Wallace, 83—477.

SEC. 6. PROPERTY OF MARRIED WOMEN SECURED TO THEM.

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

Rowland v. Perry, 64—578; Woody v. Smith, 65—116; Teague v. Downs, 69—280; Shuler v. Millsap's, 71—297; Harris v. Jenkins, 72—183; Purvis v. Carstaphan, 73—575; Pippen v. Wesson, 74—437; Roundtree v. Gay, 74—447; Atkinson v. Richardson, 74—455; King v. Little, 77—138; Kirkman v. Bank, 77—394; Manning v. Manning, 79—293; Manning v. Manning, 79—300; Holliday v. McMillan, 79—315; Hall v. Short, 81—273; O'Connor v. Harris, 81—279; Cecil v. Smith, 81—285; Long v. Barnes, 87—329.

SEC. 7. HUSBAND MAY INSURE HIS LIFE FOR THE BENEFIT OF WIFE AND CHILDREN.

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

Burton v. Farinholt, 86—260.

SEC. 8. HOW DEED FOR HOMESTEAD MAY BE MADE.

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

Poe v. Hardie, 65—447; Mayho v. Cotton, 69—289; Lambert v. Kinnery, 74—348; Beavan v. Speed, 74—514; Littlejohn v. Egerton, 76—468; Adrian v. Shaw, 82—474.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SEC. 1. PUNISHMENTS; CONVICT LABOR; PROVISIO. Convention, 1875.

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 this State.

State v. King, 69—419; State v. Burke, 73—83.

SEC. 2. DEATH PUNISHMENT.

The object of punishments 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.

State v. King, 69—419; State v. Burke, 73—83.

SEC. 3. PENITENTIARY.

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.

University v. Holden, 63—410; Welker v. Bledsoe, 68—457.

SEC. 4. HOUSES OF CORRECTION.

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

SEC. 5. HOUSES OF REFUGE.

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

SEC. 6. THE SEXES TO BE SEPARATED.

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.

SEC. 7. PROVISION FOR THE POOR AND ORPHANS.

Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Miller v. Atkinson, 63—537.

SEC. 8. ORPHAN HOUSES.

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.

Miller v. Atkinson, 63—537

SEC. 9. INEBRIATES AND IDIOTS.

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

SEC. 10. DEAF MUTES, BLIND AND INSANE. 1879, C. 314.

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.

SEC. 11. SELF-SUPPORTING.

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

ARTICLE XII.

MILITIA.

SEC. 1. WHO ARE LIABLE TO MILITIA DUTY.

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 duty in the militia: *Provided*, That all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. ORGANIZING, &C.

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.

SEC. 3. GOVERNOR COMMANDER-IN-CHIEF.

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

SEC. 4. EXEMPTIONS.

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

ARTICLE XIII.

AMENDMENTS.

SEC. 1. CONVENTION, HOW CALLED. Convention, 1875.

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, Con-

vention 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.

SEC. 2. HOW THE CONSTITUTION MAY BE ALTERED. Convention, 1875.

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 manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

University v. McIver, 72—76.

ARTICLE XIV.

MISCELLANEOUS.

SEC. 1. INDICTMENTS.

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

SEC. 2. PENALTY FOR FIGHTING DUEL.

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

SEC. 3. DRAWING MONEY.

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.

SEC. 4. MECHANICS' LIEN.

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

Whitaker v. Smith, 81—340.

SEC. 5. GOVERNOR TO MAKE APPOINTMENTS.

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.

SEC. 6. SEAT OF GOVERNMENT.

The seat of government in this State shall remain at the City of Raleigh.

SEC. 7. HOLDING OFFICE. 1872-3, c. 88.

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.

SEC. 8. INTERMARRIAGE OF WHITES AND NEGROES PROHIBITED. Convention, 1875.

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

INDEX TO STATE CONSTITUTION.

A. ARTICLE, S. SECTION.

- Abuses in assessments and contracting debts by municipal corporations,
genl. ass. to prevent, A. 8, S. 4.
- Actions at law and equity suits, no distinction, A. 4, S. 1.
Pending when const. took effect, A. 4, S. 20.
- Acts of general assembly, style of, A. 2, S. 21.
Levying taxes, must state object, A. 5, S. 7.
- Agriculture, department of, A. 3, S. 17.
In connection with university, A. 9, S. 14.
- Alimony, general assembly does not secure, A. 2, S. 10.
- Allegiance to U. S. government, A. 1, S. 5.
- Amendments, A. 13.
Do not vacate existing offices, A. 4, S. 33.
- Answer to criminal charge, A. 1, S. 12.
- Apportionment of senators and representatives, A. 2, SS. 4, 5, 6.
- Arms, right to bear, A. 1, S. 24.
- Article seven, general assembly may modify or repeal certain sections, A.
7, S. 14.
- Assemblage, right of, A. 1, S. 25.
- Attorney-general advises executive, A. 3, S. 14.
Duties of, A. 3, S. 13.
- Auditor, duties of, A. 3, S. 13.
- Bail, excessive, A. 1, S. 14.
- Ballot, elections to be by, A. 6, S. 3.
- Bills of general assembly, read three times, A. 2, S. 23.
- Blind provided for, A. 11, S. 10.
- Board of charities, A. 11, S. 7.
- Boundaries of state, A. 1, S. 34.
- Capitation tax, application of proceeds from, A. 5, S. 2.
Exempts, A. 5, S. 1.
- Capital punishment, A. 11, S. 2.
- Charities, public, A. 11.
Deaf mutes and the blind, A. 11, S. 10.
Idiots and inebriates, A. 11, S. 9.
Provision for orphans and the poor, A. 11, S. 11.
Self supporting, as far as possible, A. 11, S. 11.
- Cities organized by legi-lation, A. 8, S. 4.
- Citizenship, restoration to, A. 2, S. 11.
- Civil and criminal actions, A. 4, S. 1.
- Claims against the State, A. 4, S. 9.
- Clerk of Superior Court, election of, A. 4, S. 16.
Removal for inability, A. 4, S. 32.
Term of office of, A. 4, S. 17.
- Supreme Court, A. 4, S. 15.
- Clerks, removal of, A. 4, S. 32.

- Commutations, A. 3, S. 6.
 Compulsory education, general assembly may provide, A. 9, S. 15.
 Concealed weapons, carrying not justified, A. 1, S. 24.
 Constitution, how changed, A. 13, S. 2.
 Controversies at law about property, A. 1, S. 19.
 Convention, how called, A. 13.
 Convict labor, A. 11, S. 1.
 Coroner and sheriff, A. 4, S. 24.
 Correction, houses of, A. 11, S. 4.
 Corporations, municipal, A. 7.
 Charters remain in force till legally changed, A. 7, S. 12.
 Power of genl. ass. over, A. 7, S. 12.
 Corporations other than municipal, A. 8.
 Debts of, how secured, A. 8, S. 2.
 Definition of, A. 8, S. 3.
 Under general laws, A. 8, S. 1.
 Correction, houses of, A. 11, S. 4.
 Council of state, A. 3, S. 14.
 Counsel allowed defendant, A. 1, S. 11.
 County, comrs., election and duty of, A. 7, S. 1, 2.
 Comrs. divide, into districts, A. 7, S. 3.
 Districts have corporate powers as townships, A. 7, S. 4.
 Majority of voters necessary to levy taxes, &c., A. 7, S. 7.
 Money, how drawn from its treasury, A. 7, S. 8.
 Officers enter on duty, when, A. 7, S. 10; of townships, A. 7, S. 5.
 School districts, A. 9, S. 3; fund, A. 9, S. 5.
 Taxes to be *ad valorem*, A. 7, S. 9.
 Township trustees assess property, A. 7, S. 6.
 County treasurer, A. 7, S. 1.
 Courts to be open, A. 1, S. 35.
 Kinds of, A. 4, S. 2.
 Criminal charges, answer to, A. 1, S. 12.
 Criminal and civil actions, A. 4, S. 1.
 Courts for cities and towns, A. 4, S. 14.
 Prosecutions, A. 1, S. 11.
 Deaf mutes provided for, A. 11, S. 10.
 Death punishment, A. 11, S. 2.
 Debt does not affect homestead, A. 10, S. 3.
 County, city or town, cannot contract, except by majority of qualified voters, A. 7, S. 7.
 Imprisonment for, A. 1, Sec. 16.
 In aid of rebellion, void, A. 7, S. 13.
 Restrictions upon increase of public, &c., A. 5, S. 4.
 What bonds declared invalid, A. 1, S. 6.
 Declaration of rights, A. 1.
 Department of agriculture, A. 3, S. 17.
 Divorce, genl. ass. does not grant, A. 2, S. 10.
 Disqualification for office, A. 6, S. 5; A. 14, S. 7.
 Duelling disqualifies, A. 14, S. 2.
 Education, board of, A. 9, S. 8; officers, A. 9, S. 9; expenses, A. 9, S. 13.
 First session of, A. 9, S. 11; power of, A. 9, S. 10.
 Quorum, A. 9, S. 12.
 County school fund, A. 9, S. 5.
 Encouraged, A. 9, S. 1; A. 1, S. 27.
 Property devoted to, A. 9, SS. 4, 5.
 Election of officers by general assembly, *viva voce*, A. 2, S. 9.
 Elections, by people and general assembly, A. 6, S. 3.
 Contested, returns of, A. 3, S. 3.
 Free, A. 1, S. 10; frequent, A. 1, S. 28.
 Electors, oath of office of, A. 6, S. 4.
 Qualification of, A. 6, S. 1.

- Electors, registration of, A. 6, S. 2.
- Eligibility to office, A. 6.
- Emoluments, exclusive, none, A. 1, S. 7.
 - Hereditary, A. 1, S. 30.
- Entails to be regulated, A. 2, S. 15.
- Enumeration of rights, not to impair others retained by people, A. 1, S. 37.
- Equity suits and actions at law, dist'n abolished, A. 4, S. 1.
 - Pending when const. took effect, A. 4, S. 20.
- Evidence against himself, criminal not compelled to give, A. 1, S. 11.
- Executive, attorney-general advises, A. 3, S. 14.
 - Department of, A. 3; distinct, A. 1, S. 8.
 - Officers, A. 3, S. 1; compensation, A. 3, S. 15.
 - Duties, A. 3, S. 13; reports of, A. 3, S. 7.
 - Terms of office of, A. 3, S. 1.
 - Seal of state, A. 3, S. 16.
 - Vacancy in, how filled, A. 3, S. 13.
- Exemption, A. 10, S. 1.
 - By reason of military duty, &c., A. 12, S. 4.
 - Property of *feme covert* not liable for husband's debts, A. 10, S. 6.
- Ex post facto* laws, A. 1, S. 32.
- Extra session of general assembly, A. 3, S. 9.
- Feigned issues abolished, A. 4, S. 1.
- Feme sole*, property of, not liable for husband's debts, A. 10, S. 6.
- Fines, excessive, A. 1, S. 14.
- Freedom of the press, A. 1, S. 20.
- Fundamental principles, frequent recurrence to, A. 1, S. 29.
- General Assembly, acts, style of, A. 2, S. 21.
 - Article seven may be modified or repealed by, A. 7, S. 14.
 - Bills and resolutions read three times, A. 2, S. 23.
 - Compulsory education, may be enforced by, A. 9, S. 15.
 - Election by, A. 6, S. 3.
 - Entails regulated by, A. 2, S. 15.
 - Extra sessions, A. 2, S. 28; A. 3, S. 9.
 - Journals kept, A. 2, S. 16; protests entered on, A. 2, S. 17.
 - Members of, A. 2, S. 24.
 - Assemble when, A. 2, S. 2.
 - Election for, when held, A. 2, S. 27.
 - Office a disqualification, A. 14, S. 7.
 - Terms commence with election, A. 2, S. 25.
 - Vacancies, how filled, A. 2, S. 13.
 - Municipal corporations controlled by, A. 7, S. 14.
 - Names personal, not changed by, A. 2, S. 11.
 - Officers of, election, *viva voce*, A. 2, S. 9.
 - Pay of, A. 2, S. 28.
 - President of senate, A. 2, S. 19.
 - Speaker of house, A. 2, S. 18.
- Powers of, A. 2, S. 22.
 - In relation to divorce and alimony, A. 2, S. 10.
- Representation apportioned by, A. 2, SS. 4, 5.
- Revenue, A. 2, S. 14.
- Schools provided by, A. 9, S. 2.
- University to be maintained by, A. 9, SS. 6, 7.
- Yeas and nays, A. 2, SS. 14, 26.
- Government, allegiance to U. S., A. 1, S. 5.
 - Internal, of state, A. 1, S. 3.
 - Origin of, A. 1, S. 2.
 - Seat of, remains in Raleigh, A. 14, S. 6.
- Governor commands militia, A. 3, S. 8.
 - Justices of peace appointed by, when, A. 7, S. 11.
 - Commutations, pardons, reprieves, A. 3, S. 6.

- Governor, compensation, A. 3, S. 15.
 Duties of, A. 3, S. 12.
 Extra sessions called by, A. 3, S. 9.
 Impeachment of, A. 3, S. 12.
 Lieutenant, qualification of, A. 3, S. 2.
 Oath of office, A. 3, S. 4.
 Officers, appointed by, A. 3, S. 10; A. 14, S. 5.
 Qualification of, A. 3, S. 2.
 Residence of, A. 3, S. 5.
 Vacancy in office of, A. 3, S. 12.
 Habeas corpus, A. 1, S. 21.
 Hereditary emoluments, A. 1, S. 30.
 Homestead and exemption, A. 10, S. 2.
 Benefit of widow in, A. 10, S. 5.
 Exempted from debt, A. 10, S. 3.
 Laborer's lien attaches, A. 10, S. 4.
 Privy examination of wife to dispose of, A. 10, S. 8.
 House of Correction, A. 11, S. 4.
 Orphans, A. 11, S. 8.
 Refuge, A. 11, S. 5.
 Representatives, apportionment, A. 2, S. 5.
 Officers of, A. 2, S. 18; term begins when, A. 2, S. 25; qualifica-
 tions for, A. 2, S. 8; ratio of, A. 2, S. 6.
 Husband can insure life for benefit of family, A. 10, S. 7.
 Idiots provided for, A. 11, S. 9.
 Immigration, department of, A. 3, S. 17.
 Impeachment, A. 4, S. 4.
 Court of, A. 4, S. 3.
 Of Governor, A. 3, S. 12.
 Imprisonment for debt, A. 1, S. 16.
 Except by law, wrong, A. 1, S. 17.
 Indictments for crimes committed before const. took effect, A. 14, S. 1.
 Inebriates, A. 11, S. 9.
 Inferior courts, A. 4, S. 12.
 Officers of, A. 4, S. 30.
 Insane provided for, A. 11, S. 10.
 Institutions, charitable, A. 11.
 Penal, A. 11.
 Public, annual reports from, A. 3, S. 7.
 Self-supporting far as possible, A. 11, S. 11.
 Sexes to be separated, A. 11, S. 6.
 Instruction, superintendent of public, A. 3, S. 13.
 Intermarriage of whites and negroes prohibited, A. 14, S. 8.
 Internal government of state, A. 1, S. 3.
 Issues of fact, by whom tried and how waived, A. 4, S. 13.
 Judges, election, terms of, &c., A. 4, S. 21.
 Fees, salaries, emoluments, A. 4, S. 18.
 Removal of, for inability, A. 4, S. 31.
 Residence of, A. 4, S. 11.
 Judicial department, A. 4.
 Districts for superior courts, A. 4, S. 10.
 General Assembly, not to deprive of jurisdiction, A. 4, S. 12.
 Powers, division of, A. 4, S. 2.
 Term of 1st officers under const., A. 4, S. 26.
 Vacancies, A. 4, S. 25.
 Judicial remedy allowed all, A. 1, S. 35.
 Judiciary distinct, A. 1, S. 8.
 Jurisdiction, courts inferior to supreme, A. 4, S. 12.
 Justices of the peace, A. 4, S. 27.
 Supreme court, A. 4, S. 8.
 Jury, right of, A. 1, S. 13.

- Jury, trial by, waived, A. 4, S. 13.
 " " sacred and inviolable, A. 1, S. 19.
- Justices of the peace, governor appoints, when, A. 7, S. 11.
 jurisdiction of, A. 4, S. 27.
- Vacancies in office, A. 4, S. 28.
- Laborers' and mechanics' lien, A. 14, S. 4.
 Attaches homestead, A. 10, S. 4.
- Law of the land, no person imprisoned, or deprived of life, &c., but by, A. 1, S. 17.
- Laws, *ex post facto* and retrospective, A. 1, S. 32.
 Private, 30 days' notice before passage, A. 2, S. 12.
 What in force, A. 4, S. 19.
- Legislative, distinct, A. 1, S. 8.
 Two branches of, A. 2, S. 1.
- Legislature provides for organizing towns, &c., A. 8, S. 4.
 Trials other than jury, A. 1, S. 13.
- Legitimation, general assembly can pass general laws for, A. 2, S. 11.
- Liberty, deprivation of, except by law, A. 1, S. 17.
 Religious, A. 1, S. 26.
 Restraint of, remedied, A. 1, S. 18.
 Warrants without evidence, dangerous to, A. 1, S. 15.
- Lien of laborers and mechanics, A. 14, S. 4.
- Lieutenant-governor, president of senate, duties of, A. 3, S. 11.
 " " when governor, A. 3, S. 12.
- Literary fund, board of education to succeed to rights of, A. 9, S. 10.
- Marriages between whites and negroes forbidden, A. 14, S. 8.
- Married woman, husband can insure life for benefit of, A. 10, S. 7.
- Privy examination of, to dispose of homestead, A. 10, S. 8.
 Property of, not liable for husband's debts, A. 10, S. 6.
- Mechanics' lien, A. 14, S. 4.
- Men, equality, rights of, A. 1, S. 1.
- Militia, A. 1, S. 24; A. 12.
 Exemptions from duty, A. 12, S. 4.
 Governor commands, A. 3, S. 8; A. 12, S. 3.
 Organization of, A. 12, S. 2.
 Who liable to bear arms, A. 12, S. 1.
- Money, how drawn from state treasury, A. 14, S. 3.
 " " " county or township treasury, A. 7, S. 8.
- Monopolies are injurious, A. 1, S. 31.
- Municipal corporations, A. 7.
 Cannot contract debt except by majority of qualified voters, A. 7, S. 7.
 Charters remain in force till changed, A. 7, S. 12.
 General assembly to provide for organization of, taxation, &c., by, A. 8, S. 4.
 Power of gen. ass. over, A. 7, S. 14.
- Names, personal, how changed, A. 2, S. 11.
- Normal School, to be maintained by general assembly at university, A. 9, S. 14.
- Oath of member of general assembly, A. 2, S. 24.
- Oath of governor, A. 3, S. 4.
- Oath of office, A. 6, S. 4.
- Office, cannot hold two, A. 14, S. 7.
 Disqualification, A. 6, S. 5.
 Duelling disqualifies for, A. 14, S. 2.
 Eligibility to, A. 6.
 Qualification, property, none, A. 1, S. 22.
- Officers county, A. 7, S. 1; A. 7, S. 10.
 First elected, A. 4, S. 26.
 What, appointed by governor, A. 3, S. 10; A. 14, S. 5.
- Orphans, houses for, A. 11, S. 8.
 Provision for, A. 11, S. 7.

- Pardons, A. 3, S. 6.
- Peace, soldiers quartered in time of, A. 1, S. 36.
- Penitentiary, A. 11, S. 3.
 Convict labor, A. 11, S. 1.
 Self-supporting as far as possible, A. 11, S. 11.
 Sexes separated, A. 11, S. 6.
- People, right of, to assemble together, A. 1, S. 25.
- Perpetuities, injurious, A. 1, S. 31.
 General assembly shall prevent, A. 2, S. 15.
- Political power and government, A. 1, S. 2.
 Societies in secret dangerous, A. 1, S. 25.
- Poor, provision for, A. 11, S. 7.
- Power of gen. ass., A. 2, S. 23.
 To suspend laws injurious, A. 1, S. 9.
- Powers, executive, judicial and legislative, distinct, A. 1, S. 8.
 Judicial, division of, A. 4, S. 2.
- Press, freedom and abuse of, A. 1, S. 20.
- Principles, recurrence to fundamental, A. 1, S. 29.
- Prisoners, health and comfort secured, A. 11, S. 6.
- Private laws, A. 2, SS. 11, 12.
- Privileges, exclusive, none, A. 1, S. 7.
- Property, controversies at law about, A. 1, S. 15.
 Deprivation of, except by law, wrong, A. 1, S. 17.
 Devoted to education, A. 9, S. 4.
 Exemptions from taxation, A. 5, S. 5.
Feme sole not liable for husband's debts, A. 10, S. 6.
 Qualification, none, A. 1, S. 23.
- Prosecution, criminal, A. 1, S. 11.
- Protest, by whom and when made, A. 2, S. 17.
- Public debt, increase of, restricted, &c., A. 5, S. 4.
 What bonds declared invalid, A. 1, S. 6.
- Public money, how drawn, A. 14, S. 3.
- Public schools, general assembly to provide for, A. 9, S. 2.
- Punishments, penal institutions and public charities, A. 11.
 Cruel or unusual, A. 1, S. 14; A. 14, S. 1.
- Qualification and elections of members of general assembly, each house
 judge of, A. 2, S. 22.
- Rebellion, debt in aid of, not to be paid, A. 7, S. 13.
- Recurrence to fundamental principles, A. 1, S. 29.
- Refuge, houses of, A. 11, S. 5.
- Register of deeds, A. 7, S. 1.
- Registration of electors, A. 6, S. 2.
- Religious liberty, A. 1, S. 26.
 Scruples against bearing arms, A. 12, S. 1.
- Removal of judges, A. 4, S. 31; of clerks, A. 4, S. 32.
- Representation and taxation, A. 1, S. 23.
- Reprieves, A. 3, S. 6.
- Retrospective laws, A. 1, S. 33.
- Revenue, A. 2, S. 14; A. 5.
- Right of assemblage, A. 1, S. 25.
 Jury, A. 1, S. 13.
 Secession, none, A. 1, S. 4.
 To bear arms, A. 1, S. 24.
 To suspend laws, injurious, A. 1, S. 9.
- Rights, declaration of, A. 1.
 Of men, A. 1, S. 1; A. 1, S. 37.
- Salaries and fees, general assembly to regulate, A. 4, S. 18.
- Schools, attendance of children, A. 9, S. 15.
 County divided into districts, A. 9, S. 3.
 Fund, A. 9, S. 5.
 Provided by legislation, A. 9, S. 2.

- Schools, races separate, A. 9, S. 2.
 Seal of state, A. 3, S. 16.
 Search warrants without evidence, wrong, A. 1, S. 15
 Seat of government at Raleigh, A. 14, S. 6.
 Secession, no right of, A. 1, S. 4.
 Secretary of State, duties of, A. 3, S. 13.
 Senate, presiding officer, A. 2, S. 19.
 Pro tem., Speaker, when elected, A. 2, S. 20.
 Senators, number of, A. 2, S. 3.
 Other senatorial officers, A. 2, S. 20.
 President of, A. 2, S. 19.
 Qualifications for, A. 2, S. 7.
 Regulating senatorial districts, A. 2, S. 4.
 Sexes separated in confinement, A. 11, S. 6.
 Sheriff and coroner, A. 4, S. 24.
 Slavery prohibited, A. 1, S. 33.
 Societies, secret, political, dangerous, A. 1, S. 25.
 Soldiers, how quartered, A. 1, S. 36.
 Solicitor, how elected, A. 4, S. 23.
 Special courts, A. 4, S. 14.
 State boundaries, A. 1, S. 34.
 Claims against, A. 4, S. 9.
 Internal government of, A. 1, S. 3.
 Statistics, department of, A. 3, S. 17.
 Suffrage and eligibility to office, A. 6.
 Superintendent of public instruction, A. 3, S. 13.
 Reports of county school fund to be made to, A. 9, S. 5.
 Superior court, clerk, his election, A. 4, S. 16.
 Term, A. 4, S. 17; vacancy, A. 4, S. 29.
 Districts, A. 4, S. 10.
 Judges, election and term, A. 4, S. 21.
 Residence, A. 4, S. 11; rotation, A. 4, S. 11.
 Open at all times except for jury trials, A. 4, S. 22.
 Solicitor for each district, A. 4, S. 23.
 Special term, A. 4, S. 12.
 Transaction of business, A. 4, S. 22.
 Supreme Court, clerk, A. 4, S. 15; jurisdiction, A. 4, SS. 8, 9.
 Justices, A. 4, S. 6; election and terms of, A. 4, S. 21.
 Terms of, A. 4, S. 7.
 Surveyor, A. 7, S. 1.
 Suspending laws without consent of representatives, not to be exercised,
 A. 1, S. 9.
 Taxation, *ad valorem* and uniform, A. 5, S. 3.
 And revenue, A. 5; A. 1, S. 23.
 Property, exemptions from, A. 5, S. 5.
 Of purchases and sales retrospectively not to be passed, A. 1, S. 32.
 Taxes, acts to levy, to state object, A. 5, S. 7.
 Except for necessary expenses, not levied by county, city or town
 without assent of majority of voters, A. 7, S. 7.
 Levied by county commissioners, A. 5, S. 6.
 Of county to be *ad valorem*, A. 7, S. 9.
 Towns, &c., organized by legislation, A. 8, S. 4.
 Townships, officers of, A. 7, S. 5.
 Treason against the State, A. 4, S. 5.
 Treasurer, duties of, A. 3, S. 13.
 University, Agricultural Department of, Mechanics, Mining and Normal
 Instructor connected with, A. 9, S. 14.
 Benefits of, A. 9, S. 7.
 Election of trustees, A. 9, S. 6.
 General assembly shall maintain, A. 9, S. 7
 Maintenance of, A. 9, S. 6.

- University, property devoted to, A. 9, S. 7.
- Vacancies in general assembly, A. 2, S. 13.
- Vacancies, other, A. 3, SS. 12, 13; A. 4, SS. 25, 28, 29.
- Vagrants, Houses of Correction for, A. 11, S. 4.
- Warrants without evidence injurious, A. 1, S. 15.
- Whites and negroes cannot intermarry, A. 14, S. 8.
Separated in schools, A. 9, S. 2.
- Widow, homestead benefits, A. 10, S. 5.
- Yeas and nays, when entered, A. 2, SS. 14, 20.

LAWS OF THE UNITED STATES REGULATING THE AUTHENTICATION OF RECORDS.

REVISED STATUTES OF THE UNITED STATES,
SECOND EDITION, 1878, TITLE XIII.
THE JUDICIARY, CHAPTER 17.

AUTHENTICATION OF RECORDS, &C.

SECTION.

1. Authentication of Legislative Acts and proof of judicial proceedings of States, &c.
2. Proofs of Records, &c. kept in offices not pertaining to courts.

SECTION.

3. Copies of Foreign Records, &c., relating to land titles in the United States.

SEC. 1. AUTHENTICATION OF LEGISLATIVE ACTS AND PROOF OF JUDICIAL PROCEEDINGS OF STATES, &C. R. S., 1878, s. 905: 26 May, 1790, c. 11, v. 1, p. 122; 27 Mar., 1804, c. 56, s. 2, v. 2, p. 299.

The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form. And the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the

United States as they have by law or usage in the courts of the State from which they are taken.

Ferguson v. Harwood, 7 Cr., 408; Mills v. Duryee, 7 Cr., 481; U. S. v. Amedy, 11 Wh., 392; Buckner v. Finley, 2 Pet., 592; Owings v. Hull, 9 Pet., 627; Urtetiqui v. D'Arbel, 9 Pet., 700; McElmoyle v. Cohen, 13 Pet., 312; Stacey v. Thrasher, 6 How., 44; Bank of Alabama v. Dalton, 9 How., 523; D'Arcy v. Ketchum, 11 How., 165; Railroad v. Howard, 13 How., 307; Booth v. Clark, 17 How., 322; Mason v. Lawrason, 1 Cr. C. C., 190; Buford v. Hickman, Hemp., 232; Craig v. Brown, Pet. C. C., 354; Stewart v. Gray, Hemp., 94; Gardner v. Lindo, 1 Cr. C. C., 78; Trigg v. Conway, Hemp., 538; Turner v. Waddington, 3 Wash., C. C., 126; Catlin v. Underhill, 4 McLean, 199; Morgau v. Cortenius, 4 McLean, 366; Hale v. Brotherton, 3 Cr. C. C., 594; Mewster v. Spalding, 6 McLean, 24; Parrot v. Habersham, 1 Cr. C. C., 14; Talcott v. Delaware Ins. Co., 2 Wash. C. C., 449; James v. Stookey, 1 Wash. C. C., 330; Bennett v. Bennett, District Court, Oregon, 1867; Town of South Ottawa v. Perkins, 94 U. S., 260; Turnbull v. Paysou, 95 U. S., 418; Pigot v. Davis, 3 Hawks, 125; State v. Welsh, 3 Hawks, 494; Pickett v. Johns, 1 Dev. Eq., 123; State v. Jackson, 2 Dev., 563; Irby v. Wilson, 1 D. & B. Eq., 568; Moore v. Gwynn, 5 Ired., 187; Davidson v. Sharpe, 6 Ired., 14; McDougald v. Smith, 11 Ired., 576; State v. Cheek, 13 Ired., 114.

SEC. 2. PROOFS OF RECORDS, &C., KEPT IN OFFICES NOT PERTAINING TO COURTS. R. S., 1878, s. 906; 27 Mar., 1804, c. 56, ss. 1, 2, v. 2, pp. 298, 299; 21 Feb., 1871, c. 62, v. 16, p. 419.

All records and exemplifications of books, which may be kept in any public office of any State or Territory, or of any country subject to the jurisdiction of the United States, not appertaining to a court, shall be proved or admitted in any court or office in any other State or Territory, or in any such country, by the attestation of the keeper of the said records or books, and the seal of his office annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county, parish, or district in which such office may be kept, or of the governor, or secretary of state, the chancellor or keeper of the great seal, of the State, or Territory, or country, that the said attestation is in due form, and by the proper officers. If the said certificate is given by the presiding justice of a court, it shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if given by such governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid, in

which it is made. And the said records and exemplifications, so authenticated, shall have such faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State, Territory, or country, as aforesaid, from which they are taken.

SEC. 3. COPIES OF FOREIGN RECORDS, &C., RELATING TO LAND TITLES IN THE UNITED STATES. R. S., 1878, s. 907; 22 Feb., 1849, c. 61, s. 1, v. 9, p. 346; 2 Mar., 1849, c. 82, v. 9, p. 350.

It shall be lawful for any keeper or person having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign governments or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of one of the Departments, the Solicitor of the Treasury, or the Commissioner of the General Land-Office, to authenticate copies thereof under his hand and seal, and to certify them to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, respectively; and when such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose. A copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or of the same so recorded in said book, may be read in evidence in any court, where the title to land claimed by or under the United States may come into question, equally with the originals.

LAWS OF THE UNITED STATES, REGULATING NATURALIZATION.

REVISED STATUTES OF THE UNITED STATES,
2D ED., 1878; SUPPLEMENT TO REV. STATUTES,
1874-81.

NATURALIZATION.

SECTION.

1. Aliens, how naturalized.
2. Aliens honorably discharged from military service.
3. Minor residents.
4. Widow and children of declarants.
5. Aliens of African nativity and descent.
6. Residence of five years in the United States.
7. Alien enemies not admitted.
8. Children of persons naturalized under certain laws to be citizens.
9. Police Court of District of Columbia has no power to naturalize foreigners.

SECTION.

10. Naturalization of seamen.
11. Taking false oath in naturalization.
12. False personation, &c., in procuring naturalization.
13. Using false certificate of naturalization.
14. Using false certificate, &c., as evidence of right to vote.
15. Aiding and abetting violation of preceding sections.
16. Falsely claiming citizenship.
17. Provisions applicable to all courts.
18. Admission of Chinese to citizenship prohibited.

SEC. 1. ALIENS, HOW NATURALIZED.

An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

- (1) *Declaration of intention.* R. S., 1878, s. 2165; Sup. R. S., vol. 1, p. 200; 14 April, 1802, c. 28, ss. 1, 3, v. 2, pp. 153, 155; 26 May, 1824, c. 186, s. 4, v. 4, p. 69; 1 Feb., 1876, c. 5, v. 19, p. 2.
He shall declare on oath, before a circuit or district

court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common law jurisdiction, and a seal and clerk; or before the clerks of any of said courts, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Campbell v. Gordon, 6 Cr., 176; Stark v. Chesapeake Ins. Co., 7 Cr., 420; Chirack v. Chirack, 2 Wh., 259; Osborn v. United States Bank, 9 Wh., 827; Spratt v. Spratt, 4 Pet., 393.

(2) *Oath to support the Constitution of the United States.*
14 April, 1802, c. 28, s. 1, v. 2, p. 153.

He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

(3) *Residence in United States, or States, and good moral character.*

It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

(4) *Titles of Nobility to be renounced.*

In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make

an express renunciation of his title or order of nobility in the court to which his application is made; and his renunciation shall be recorded in the court.

(5) *Persons residing in the United States before 29 January, 1795.*

Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

(6) *Persons residing between 18 June, 1798, and 18 June, 1812. Declaration for naturalization, how made.*

Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety eight and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be

proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. [Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

SEC. 2. ALIENS HONORABLY DISCHARGED FROM MILITARY SERVICE. R. S., 1878, s. 2166; 17 July, 1862, c. 200, s. 21, v. 12, p. 597.

Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SEC. 3. MINOR RESIDENTS. R. S., 1878, s. 2167; 26 May, 1824, c. 186, s. 1, v. 4, p. 69.

Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SEC. 4. WIDOW AND CHILDREN OF DECLARANTS. R. S., 1878, s. 2168; 26 Mar., 1804, c. 47, s. 2, v. 2, p. 293.

When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

SEC. 5. ALIENS OF AFRICAN NATIVITY AND DESCENT. R. S., 1878, s. 2169; 14 July, 1870, c. 254, s. 7, v. 16, p. 256; 18 Feb., 1875, c. 80, v. 18, p. 318.

The provisions of this Title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent.

SEC. 6. RESIDENCE OF FIVE YEARS IN THE UNITED STATES. R. S., 1878, s. 2170; 3 Mar., 1813, c. 42, s. 12, v. 2, p. 811.

No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SEC. 7. ALIEN ENEMIES NOT ADMITTED. R. S., 1878, s. 2171; 14 April, 1802, c. 28, s. 1, v. 2, p. 153; 30 July, 1813, c. 36, v. 3, p. 53.

No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SEC. 8. CHILDREN OF PERSONS NATURALIZED UNDER CERTAIN LAWS TO BE CITIZENS. R. S., 1878, 2172; 14 April, 1802, c. 28, s. 4, v. 2, p. 155.

The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

Campbell v. Gordon, 6 Cr., 176; United States v. Hirshfield
13 Blatch., 330.

SEC 9. POLICE COURT OF DISTRICT OF COLUMBIA HAS NO POWER TO NATURALIZE FOREIGNERS. R. S., 1878, s. 2173; 17 June, 1870, c. 133, s. 5, v. 16, p. 154.

The police court of the District of Columbia shall have no power to naturalize foreigners.

SEC. 10. NATURALIZATION OF SEAMEN. R. S., 1878, s. 2174; 7 June, 1872, c. 322, s. 29, v. 17, p. 268.

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

SEC. 11. TAKING FALSE OATH IN NATURALIZATION. R. S., 1878, s. 5395; 14 July, 1870, c. 254, s. 1, v. 16, p. 254.

In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars.

SEC. 12. FALSE PERSONATION, &C., IN PROCURING NATURALIZATION. R. S., 1878, s. 5424; 14 July, 1870, c. 254, s. 2, v. 16, p. 254.

Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely ap-

pears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person other than the person for whom it was originally issued any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

United States v. Tynen, 11 Wall., 88.

SEC. 13. USING FALSE CERTIFICATE OF NATURALIZATION.

R. S., 1878, s. 5425; 14 July, 1870, c. 254, s. 2, v. 16, p. 254.

Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante dated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one

thousand dollars, or both such punishments may be imposed.

United States v. Tynen, 11 Wall., 88.

SEC. 14. USING FALSE CERTIFICATE, &C., AS EVIDENCE OF RIGHT TO VOTE. R. S., 1878, s. 5426; 14 July, 1870, c. 254, s. 2, v. 16, p. 254.

Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SEC. 15. AIDING AND ABETTING VIOLATION OF PRECEDING SECTIONS. R. S., 1878, s. 5427; 14 July, 1870, c. 254, s. 2, v. 16, p. 254.

Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof, shall be punished in the same manner and to the same extent as the principal party.

SEC. 16. FALSELY CLAIMING CITIZENSHIP. R. S., 1878, s. 5428; 14 July, 1870, c. 254, s. 3, v. 16, p. 255.

Every person who knowingly uses any certificate of naturalization heretofore granted by any court or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents himself to be a citizen of the

United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

SEC. 17. PROVISIONS APPLICABLE TO ALL COURTS. R. S., 1878, s. 5429; 14 July, 1870, c. 254, s. 4, v. 16, p. 255.

The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced.

SEC. 18. ADMISSION OF CHINESE TO CITIZENSHIP PROHIBITED. 6 May, 1882, s. 14.

That hereafter no State Court or Court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

LAWS OF THE UNITED STATES REGULATING THE REMOVAL OF CAUSES FROM THE STATE TO THE FEDERAL COURTS.

REVISED STATUTES OF THE UNITED STATES, 2D ED., 1878, §§ 639, 640, 641, 642, 643, 644, 645, 646, 647. SUPPLEMENT TO R. S.—1881, VOL. I, CH. 137, §§ 2, 3, 4, 5, 6, 7, 10.

REMOVAL OF CAUSES FROM THE STATE TO THE FEDERAL COURTS.

SECTION.

1. Removal of suits where amount of \$500 in dispute.
2. Removal of suits against corporations.
3. Removal of causes against persons denied civil rights.
4. When petitioner is in actual custody of State court.
5. Removal of suits against Revenue officers.
6. Removal of suits by aliens in a particular case.
7. When copies of records are refused by clerk of State court.
8. Attachments, injunctions and indemnity bonds to remain in force after removal.

SECTION.

9. Removal of suits where parties claim land under titles from different States.
10. Removal where controversy is wholly between citizens of different States.
11. Petitions, bonds, and proceedings for removal. Suits concerning real estate, claimed under State grants between citizens of same State, how removed.
12. In cases removed, previous attachments, bonds, security, orders, &c., to remain valid.
13. Suits improperly brought in or removed to circuit court may

SECTION.

be dismissed or remanded.
Subject to review by Supreme Court.

14. In suits removed to circuit court, proceedings to be as in other cases.

15. Time for filing copy of record and appearance. Refusal of

SECTION.

clerk of State court to furnish copies, how punished. Court may issue mandamus to compel return of record, or may make order as to production of copy.

16. Repeal of Acts in conflict with the Act of March 3, 1875.

SEC. 1. REMOVAL OF SUITS AGAINST ALIENS, &C., WHERE AMOUNT OF \$500 IN DISPUTE. 24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 27 July, 1866, c. 288, v. 14, p. 306. 2 Mar., 1867, c. 196, v. 14, p. 558. R. S., s. 639. 3 Mar., 1875, c. 137, ss. 2, 7, 9, v. 18, pp. 471, 472, 473.

Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or

final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, dispositions, testimony, and other proceedings in the cause, or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, dispositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

Eurtetiqui v. D'Arcy, 9 Pet., 692; *Gordon v. Longest*, 16 Pet., 97; *Kanouse v. Martin*, 15 How., 198; *Parker v. Overman*, 18 How., 137; *Wood v. Davis*, 18 How., 467; *Green v. Custar*, 23 How., 494; *West v. Aurora City*, 6 Wall., 139; *Bushnell v. Kennedy*, 9 Wall., 387; *Insurance Co. v. Weide*, 9 Wall., 677; *Railway Com. v. Whitton*, 13 Wall., 270; *City of Lexington, v. Butler*, 14 Wall., 282; *Case of the Sew. Machine Com's*, 18 Wall., 553; *Muns v. Dupont*, 2 Wash. C. C., 463; *Beardsley v. Torrey*, 4 Wash. C. C., 286; *Wright v. Wells*, 1 Pet. C. C., 220; *Ladd v. Tudor*, 3 Wood & M. C. C., 325; *Matthews v. Lyall*, 6 McLean, 13; *Brownell v. Gordon*, 1 McAll C. C., 207; *Gier v. Gregg*, 4 McLean, 202; *Wilson v. Blodgett*, 4 McLean, 363; *McLeod v. Duncan*, 5 McLean, 342; *Hubbard v. Northern R. R.*, 3 Blatch., 84; *Bliven v. New England Screw Co.*, 3 Blatch. C. C., 111; *Barney v. Globe Bank*, 5 Blatch. C. C., 107; *Screw Co. v. Bliven*, 3 Blatch. C. C., 240; *Suydam v. Ewing*, 2 Blatch. C. C., 359; *Sayles v. Northwestern Ins. Co.*, 2 Curt. C. C., 212; *Bristol v. Chapman*, 34 How. Pr., 140; *Shelby v. Hoffman*, 7 Ohio St., 450; *In re. Turner*, 3 Wall., Jr., 258; *In re. Girard*, 3 Wall., Jr., 263; *Ward v. Arredund*, 1 Paine, 410; *McVaughter v. Cassily*, 4 McLean, 351; *Spraggins v. County Court, Cooke*, 160; *Gibson v. Johnson*, Peters C. C., 44; *Jersey v. Babcock*, 4 Wash. C. C., 344; *Charter Oak Ins. Co. v. Star*

Ins. Co., 6 Blatch. C. C., 203; Roberts v. Nelson, 8 Blatch. C. C., 74; Beecher v. Gillett, 1 Dill. C. C., 308; Hatch v. Railroad, 6 Blatch. C. C. 105; Bixby v. Couse, 8 Blatch. C. C., 73; Field v. Larmsdale, 1 Deady, 283; Dart v. McKinney, 9 Blatch., 359; Akerly v. Vilas, 1 Abb. C. C. 284; Fields v. Lamb, 1 Deady, 430; Sands v. Smith, 1 Dillon, 290; Johnson v. Monell, 1 Woolf. C. C. 390; Case v. Douglass, 1 Dillon, 209; Boggs v. Willard, 16 Int. Rev. Rec., 22; Insurance Company v. Dunn, 19 Wall., 214; Stevenson v. Williams, 19 Wall., 572; Knapp v. Railroad, 20 Wall., 117; Gardner v. Brown, 21 Wall., 36; Vannevar v. Bryant, 21 Wall., 41; Gaines v. Fuentes *et al.*, 92 U. S., 10; Hurst v. Western and Atlantic R. R. Co., 93 U. S., 71; Kimball v. Evans, 93 U. S., 320; Lowe v. Williams, 94 U. S., 650; Merchants' National Bank v. Wheeler, 13 Blatch., 218; Warner v. Pennsylvania R. R. Co., 13 Blatch., 231; Broadway v. Eisner, 13 Blatch., 366; Petterson v. Chapman, 13 Blatch., 395; Allen v. Ryerson, 2 Dill., 501; Waggener v. Check, 2 Dill., 560; McGinnity v. White, 3 Dill., 350; Kellogg v. Hughes, 3 Dill., 357; Millett v. Milwaukee R. R. Co., 3 Dill., 461; Wheeler v. Bates, 6 Biss., 88; Warren v. Wisconsin R. R. Co., 6 Biss., 425; Chicago v. Gage, 6 Biss., 467; Scott v. C. & S. R. R. Co., 6 Biss., 529; Gardner v. Brown, 21 Wall., 36; Vannevar v. Bryant, 21 Wall., 41; Gaines v. Fuentes, 92 U. S., 10; Hurst v. R. R. Co., 93 U. S., 1; Insurance Co. v. Pechner, 95 U. S., 183; Bible Soc. v. Grove, 101 U. S., 610—the 2d clause of this section seems to be repealed; Hyde v. Ruble, 104 U. S., 407; King v. Cornell, 106 U. S., 395; Douglass v. Caldwell, 65 N. C., 248; State v. Dunlap, 65 N. C., 491; Burgwyn v. Scott, 67 N. C., 391; Calloway v. Ore Knob Co., 74 N. C., 200; Spiers v. Halsted, 74 N. C., 620; Swann v. Myers, 79 N. C., 101; Simmons v. Taylor, 83 N. C., 148.

SEC. 2. REMOVAL OF SUITS AGAINST CORPORATIONS ORGANIZED UNDER A LAW OF UNITED STATES. 27 July, 1868, c. 255, s. 2, v. 15, p. 227. 27 July, 1866, c. 288, s. 1, v. 14, p. 306. R. S., s. 640.

Any suits commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

Fisk v. Union P. R. R., 8 Blatch., 343; Jones v. Oceanic Steam Navigation Company, 11 Blatch., 406; Turton v. Union Pacific R. R. Co., 3 Dill., 366; Farmers' Loan Company v. Maquillan, 3 Dill., 379; Terry v. Insurance Company, 3 Dill., 408; Patterson v. Boom Company, 3 Dill., 465; Magee v. Union

Pacific R. R. Co., 2 Saw., 447; Bird v. Cockrem, 2 Woods, 32; Lewis v. Smythe, 2 Woods, 117.

SEC. 3. REMOVAL OF CAUSES AGAINST PERSONS DENIED ANY CIVIL RIGHT, &c. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, s. 3, v. 14, p. 27. 3 Mar., 1863, c. 81, s. 5, v. 12, p. 756. 11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46. R. S., s. 641.

When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed, for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleading, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket the case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff require the plaintiff to file a declaration, petition or com-

plaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate under the seal of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. See § 1971, R. S.

Commonwealth v. Artman, 3 Grant, 436; *Hodgson v. Milward*, 3 Grant, 418; *Lamar v. Dana*, 10 Blatch., 34; *Britton v. Butler*, 11 Blatch., 350; *Walker v. Crane*, 13 Blatch., 1; *Barclay vs. Levee Commissioners*, 1 Woods, 254; *Texas v. Gaines*, 2 Woods, 342; *Strander v. W. Va.*, 100 U. S., 303; *Va. v. Rives*, 100 U. S., 313; *Neal v. Del.*, 103 U. S., 370; *Dubuclet v. La.*, 103 U. S., 550; *State v. Dunlap*, 65 N. C., 491; *Fitzgerald v. Allman*, 82 N. C., 492.

SEC. 4. WHEN PETITIONER IS IN ACTUAL CUSTODY OF STATE COURT. 5 Feb., 1867, c. 27, v. 14, p. 385. 3 Mar., 1863, c. 81, s. 5, v. 12, p. 756. 11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46. 9 Apr., 1866, c. 31, s. 3, v. 14, p. 27. R. S., s. 642.

When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

SEC. 5. REMOVAL OF SUITS AND PROSECUTIONS AGAINST REVENUE OFFICERS AND OFFICERS ACTING UNDER REGISTRATION LAWS. 2 March, 1833, c. 57, s. 3, v. 4, p. 633. 13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 16, v. 16, p. 438. 3 March, 1875, c. 130, s. 8, v. 18, p. 401. R. S., s. 643.

When any civil suit or criminal prosecution is commenced in any court of a State against any officer ap-

pointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI., "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or another process except *capias*, the clerk of the circuit court shall issue a writ of *certiorari* to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by *capias*, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of *habeas corpus cum causa*, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto; and thereupon it

shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody or mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non prosecution may be rendered against him, with costs for the defendant.

Coggins v. Lawrence, 2 Blatch. C. C., 384; *Wood v. Matthews*, 2 Blatch. C. C., 370; *Van Zandt v. Maxwell*, 2 Blatch. C. C., 421; *Abranches v. Schell*, 4 Blatch. C. C., 256; *Warner v. Fowler*, 4 Blatch. C. C., 311; *Victor v. Cisco*, 5 Blatch. C. C., 128; *Benchley v. Gilbert*, 8 Blatch., 147; *Salem & Lowell R. R. v. Boston and Lowell R. R.*, 21 Law Rep., 210; *Peyton v. Bliss*, 1 Wool. C. C., 170; *Bultner v. Miller*, 1 Woods, 620; *Tenn. v. Davis*, 100 U. S., 257; *Venable v. Richards*, 105 U. S., 636; *State v. Hoskins*, 77 N. C., 530; *State v. Deaver*, 77 N. C., 555.

SEC. 6. REMOVAL OF SUITS BY ALIENS IN A PARTICULAR CASE. 30 Mar., 1872, c. 72, v. 17, p. 44. 3 Mar., 1875, c. 137, s. 2, v. 18, p. 471, R. S., s. 644.

Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

SEC. 7. WHEN COPIES OF RECORDS ARE REFUSED BY CLERK OF STATE COURT. 2 Mar., 1833, c. 57, s. 4, v. 4, p. 634. 28 Feb., 1871, c. 99, s. 17, v. 16, p. 439. R. S., s. 645.

In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow, and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

SEC. 8. ATTACHMENTS, INJUNCTIONS AND INDEMNITY BONDS TO REMAIN IN FORCE AFTER REMOVAL. 24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 27 July, 1866, c. 288, v. 14, p. 306. 2 Mar., 1867, c. 196, v. 14, p. 558. 27 July, 1868, c. 255, s. 2, v. 15, p. 227. 9 April, 1866, c. 31, s. 3, v. 14, p. 27. 3 Mar., 1863, c. 81, s. 5, v. 12, p. 756. 11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46. 5 Feb., 1867, c. 27, v. 14, p. 385. 2 Mar., 1833, c. 57, s. 3, v. 4, p. 633. 13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 16, v. 16, pp. 438, 439. R. S., s. 646.

When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any

attachment, writ of injunction or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction or other restraining process had been granted, and such bond had been originally filed or given in such State court.

Lamar v. Dana, 10 Blatch., 34.

SEC. 9. REMOVAL OF SUITS WHERE PARTIES CLAIM LAND UNDER TITLES FROM DIFFERENT STATES. 24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 3 Mar., 1875, c. 137, ss. 2, 3, v. 18, p. 471. R. S., s. 647.

If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

Town of Pawlet v. Clark, 9 Cr., 292.

[NOTE. The foregoing sections are the same as §§ 639, 640, 641, 642, 643, 644, 645, 646 and 647 of Revised Statutes, all of which, except § 644, are affected and modified by the legislation contained in the succeeding sec-

tions, which have been copied from the Act of March 3, 1875, as brought forward in the Supplement to the Revised Statutes, Vol. 1, ch. 137, §§ 2, 3, 4, 5, 6 and 7 (18 Stat. L., 470)].

SEC. 10. SUITS REMOVABLE FROM STATE COURTS TO CIRCUIT COURTS. WHERE THE CONTROVERSY IS WHOLLY BETWEEN CITIZENS OF DIFFERENT STATES. R. S., ss. 639, 643; Supp. R. S., vol. 1, c. 137, s. 2. Mar. 3, 1875, 18 Stat. L., 470.

Any suit of a civil nature, at law or in equity, now pending or hereafter brought in any State court where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and arising under the Constitution or laws of the United States, or treaties made or which shall be made, under their authority, or in which the United States shall be plaintiff or petitioner, or in which there shall be a controversy between citizens of different States, or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign States, citizens, or subjects, either party may remove said suit into the circuit court of the United States for the proper district.

And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.

94 U. S., 4, 650; 96 *Ib.*, 199; 98 *Ib.*, 403; 99 *Ib.* 80, 147; 100 *Ib.*, 457; 101 *Ib.*, 289, 610; 7 Bissell, 103, 449, 497; 3 Dill., 284; 4 *Ib.*, 242, 260, 264, 277, 425, 474; 5 *Ib.*, 223, 489; 63 Ala., 349; 3 Sawyer, 553; 4 *Ib.*, 178; 5 *Ib.*, 494; 3 Woods, 50, 222, 273, 277, 397, 413, 487, 620, 683, 715; 13 Blatch., 170, 395; 14 *Ib.*, 214, 449, 451, 496; 15 *Ib.*, 405, 433; 16 *Ib.*, 48, 150, 182, 233, 309, 319; 17 *Ib.*, 343, 363, 369, 370, 452, 511; 13 N. Y. Supreme, 197; 16 *Ib.*, 397 (reversed 74 N. Y., 53); 17 *Ib.*, 333; 18 *Ib.*, 370, 402; 20 *Ib.*, 332, and 76 N. Y., 207; 27 N. Y. Supreme, 239; 52 N. Y., 96; 64 *Ib.*, 449; 65 *Ib.*, 195; 67 *Ib.*, 544; 64 Ind., 360; 25 Minn., 534; 30 La. Ann., 1, 471, 1305; 31 *Ib.*, 41, 363; 35 Mich., 146; 122 Mass., 431; 102 U. S., 135; 102 U. S., 177; Barney v. Latham, 103 U. S., 205; Bondurant v. Watson, 103 U. S., 281; Blake v. McKim, 103 U. S., 336; Hyde v. Ruble, 104 U. S., 407; Corbin v. Van Brunt, 105 U. S., 576; Fraser v. Jennison, 106 U. S., 191; Steamship Co. v. Tugman, 106 U. S., 118; Gudger, v. W. N. C. R. Co., 87 N. C., 325.

SEC. 11. PETITIONS, BONDS, AND PROCEEDINGS FOR REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS. SUITS CONCERNING REAL ESTATE CLAIMED UNDER STATE GRANTS BETWEEN CITIZENS OF SAME STATE, HOW REMOVED FROM STATE TO FEDERAL COURTS. R. S., § 647. Supp. R. S. Vol. 1, c. 137, s. 3. Mar. 3, 1875. NO OTHER TITLE TO BE PLEADED. ISSUES OF FACT IN CIRCUIT COURT TO BE TRIED BY JURY, EXCEPT IN EQUITY, ADMIRALTY AND MARITIME CASES. R. S., §§ 648, 649.

That whenever either party, or any one or more of the plaintiffs or defendants entitled to remove any suit mentioned in the next preceding section shall desire to remove such suit from a State court to the circuit court of the United States, he or they may make and file a petition in such suit in such State court before or at the term at which said cause could be first tried and before the trial thereof for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court, if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for there appearing and entering special bail in such suit, if special bail was originally requisite therein, it shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court;

And if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit, if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall

move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district;

And any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim;

And the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

100 U. S., 208; 100 U. S., 457; 101 U. S., 610, *R. R. Co. v. Miss.*, 102 U. S., 610; *Jifkins v. Sweetzer*, 102 U. S., 177; *Kern v. Hinddekoper*, 103 U. S., 485; *Babbitt v. Clark*, 103 U. S., 606; *R. R. Co. v. Koontz*, 104 U. S., 5; *Hewitt v. Phelps*, 105 U. S., 393; 13 *Blatch.*, 170, 218, 231, 267; 14 *Ib.*, 269; 15 *Ib.*, 403; 7 *Bissell*, 103; 4 *Dillon*, 559, 563, 566; 2 *Wood*, 117; 3 *Hughes*, 234, 449, 452; 122 *Mass.*, 431; 28 *N. J. Equity*, 117; 17 *Blatch.*, 363, 522.

SEC. 12. IN CASES REMOVED FROM STATE COURTS, PREVIOUS ATTACHMENTS, BONDS, SECURITY, ORDERS, &C., TO REMAIN VALID. R. S., § 646. Supp. R. S., vol. 1, c. 137, s. 4. Mar. 3, 1875.

That when any suit shall be removed from a State court to a circuit court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which such suit was commenced;

And all bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual, notwithstanding said removal;

And all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed.

SEC. 13. SUITS IMPROPERLY BROUGHT IN OR REMOVED TO CIRCUIT COURT MAY BE DISMISSED OR REMANDED, SUBJECT TO REVIEW BY SUPREME COURT. R. S., §§ 690—701. Supp. R. S., vol. 1, c. 137, s. 5. Mar. 3, 1875.

That if, in any suit commenced in a circuit court, or removed from a State court to a circuit court of the United States, it shall appear to the satisfaction of said circuit court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said circuit court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this act, the said circuit court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed, as justice may require, and shall make such order as to costs as shall be just;

But the order of said circuit court dismissing or remanding said cause to the State court shall be reviewable by the Supreme court on writ of error or appeal, as the case may be.

94 U. S., 4; 101 U. S., 184; 13 Blatch., 231; 3 Hughes, 452.

SEC. 14. IN SUITS REMOVED TO CIRCUIT COURT, PROCEEDINGS TO BE AS IN OTHER CASES. March 3, 1875, Supp. R. S., Vol. I., c. 137, s. 6.

That the Circuit Court of the United States shall, in all suits removed under the provisions of this act, proceed therein as if the suit had been originally commenced in said circuit court, and the same proceedings had been taken in such suit in said circuit court as shall have been had therein in said State court prior to its removal.

13 Blatch., 227; 15 Blatch., 403; 3 Hughes, 449.

SEC. 15. TIME FOR FILING COPY OF RECORD AND APPEARANCE IN; REFUSAL OF CLERK OF STATE COURT TO FURNISH COPIES, HOW PUNISHED; COURT MAY ISSUE MANDAMUS TO COMPEL RETURN OF RECORD, &C., OR MAY MAKE ORDER AS TO PRODUCTION OF COPY, &C. R. S., s. 645. March 3, 1875. Supp. R. S., Vol. I., c. 137, s. 7.

That in all causes removable under this act, if the term of the circuit court to which the same is removable, then

next to be holden, shall commence within twenty days after filing the petition and bond in the State court for its removal, then he or they who apply to remove the same shall have twenty days from such application to file said copy of record in said circuit court and enter appearance therein; and if done within said twenty days, such filing and appearance shall be taken to satisfy the said bond in that behalf;

That if the clerk of the State court in which any such cause shall be pending, shall refuse to any one or more of the parties or persons applying to remove the same, a copy of the record therein, after tender of legal fees for such copy, said clerk so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof in the circuit court of the United States to which said action, or proceeding was removed, shall be punished by imprisonment not more than one year, or by fine not exceeding one thousand dollars, or both in the discretion of the court.

And the circuit court to which any cause, shall be removable under this act shall have power to issue a writ of certiorari to said State court commanding said State court to make return of the record in any such cause removed as aforesaid, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this act for the removal of the same, and enforce said writ according to law;

And if it shall be impossible for the parties or persons removing any cause under this act, or complying with the provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the circuit court shall make an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty as aforesaid, to file a copy of the paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said action or proceeding;

But if said order shall be complied with, then said circuit court shall require the other party to plead, and said action, or proceeding shall proceed to final judgment; and the said circuit court may make an order requiring the parties thereto to plead *de novo*; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid.

SEC. 16. REPEAL OF ACTS IN CONFLICT WITH THE ACT OF MARCH 3, 1875. Mar. 3, 1875. Supp. R. S. vol. 1, c. 137, s. 10.

All acts and parts of acts in conflict with this act are hereby repealed.

[NOTE. The Act of March 3, 1875, repeals all legislation in conflict with its provisions. How far this repeal affects the provisions of the Revised Statutes is not the province of the compilers of this work to determine. The law upon the subject of the removal of causes has been brought forward as it is written. The courts must construe it.]

INDEX TO VOLUME II.

ACCOUNTS,	SECTION	AGRICULTURE—Continued.	SECTION
to be kept in dollars and cents.....	2491	officers, what, and how elected; society how organized, and how long to continue.....	2221
trustees of charities render annual, to superior court clerk.....	2342	publish yearly statements of experiments, &c., before receiving money from state treasury.....	2225
Adjutant-general,		secretary of, keeps record of proceedings.....	2226
appoints keepers of arsenals and prescribes their duties, &c.....	3549	transmit to state treasurer yearly statement of money received from members and expenditures.....	2224
may issue arms to military schools.....	3560	when organized, what to be done; amount received from state treasury.....	2222
salary.....	3730	department of, powers, &c.....	2195
See <i>Militia, State Guard.</i>		local societies for encouragement of, &c., powers, rules, &c.....	2793-2798
Adulteration,		state society for encouragement of, incorporated; amount of property to hold.....	2214
of drugs, chemicals and medicines.....	3142	hold annual fairs.....	2217
Agriculture,		may alter or modify its by-laws.....	2216
and geology.....	2184-2226	president and other officers, how elected..	2215
board of, compensation.....	2185	receive fifteen hundred dollars yearly from state treasury.....	2218
chemist elected by.....	2196	sum, how applied.....	2219
duties of.....	2189	See <i>Fertilizers, Geology.</i>	
establish an agricultural, experiment and fertilizer central station.....	2196	Animals,	
forms prescribed by, and blanks furnished.	2188	cruelty to, defined and forbidden.....	2482-2490
hand-book, containing information of advantages of state, prepared by.....	2199	Appeals,	
immigration agents appointed.....	2200	fence cases.....	2803
industrial association of North Carolina receives five hundred dollars a year from..	2206	courts-martial.....	3180
meetings, when and where held....	2185	Apothecary	3135-3147
members, who and how elected.....	2184	See <i>Pharmaceutical Society.</i>	
terms of.....	2184	Apportionment,	
land and mining registry to be kept, sell land for owners, compensation; contract for bodies of land for colonization.....	2201	school fund.....	2535, 2551, 2552
moneys paid into state treasury for use of department of.....	2208	of members of the general assembly....	2844, 2845
offer premiums for encouragement of, and mechanical pursuits.....	2199	Arms,	
reports of, quarterly, to be published, contents.....	2185	public, when allowed to military schools,	3291, 3560, 3561
secretary elected by, duties, &c.....	2186	freight on, received from United States, how paid.....	3552
sessions set apart for discussions.....	2185	militia detachment to have, when.....	3559
vacancies, how filled.....	2184	duty of militia officers receiving.....	3554
chemist, compensation, duties, reports, &c..	2196	officers of militia to demand, from persons not entitled.....	3558
makes analyses of soils, waters, &c.....	2197	governor authorized to distribute, in case of insurrection or invasion.....	3555
commissioner of, appointed by board.....	2186	keeper of, at arsenals, how appointed.....	3549
county societies, how formed, amount of property held, &c.....	220		
funds of, appropriated in premiums, &c..	2223		

Arms—Continued.	SECTION	Asylum—Continued.	SECTION
how obtained by volunteer companies, or by a town or county; from whom bond required.....	3550, 3551	questions and answers transmitted to board.....	2258
of officer or private, dead or out of service, to be delivered to successor	3557	superintendent in doubt as to admission, what done.....	2259
penalty on officers or privates not keeping, in order.....	3555	of criminals by judge, when	2255
selling, buying, embezzling, &c.....	3556	proceedings for.....	2256
to be deposited in arsenals, &c., guarded, &c.....	3548, 3549	boards of, compensation.....	2270
See <i>Militia, State Guard.</i>		elect superintendents and other officers, and fix their salaries.....	2249-2252
Appraisors of homestead,		make by laws.....	2254
fers of.	508, 3747	bonds for restraint of, not less than five hundred dollars.....	2263
Arrest.		form.....	2264
executives, persons attending musters.....	3190	person returned, not redischarged on bond of defaulting obligor.....	2267
insolvents, after discharge.....	2950, 2960	colored, asylums for.....	2242
members of the general assembly.....	2849	convicts transferred to, when.....	3439
Arsenals,		cured, discharged, incurable, how removed or discharged on probation.....	2260
arms, &c., kept at.....	3548, 3549, 3560	directors or superintendents not liable for acts done under this chapter.....	2265
keepers or superintendents of, bond, compensation and duties.....	3549	how appointed, term of office, quorum.....	2245
Assessment,		duties and powers.....	2247
local, in aid of public schools.....	2594-2609	meetings, &c.; report to general assembly.....	2248
of lands for taxes, made every four years... 3690		executive committees, how appointed.....	2246
Asylum,		fiscal year closes thirtieth of November.....	2272
DEAF, DUMB AND THE BLIND,		jail, confined in, when.....	2279
admission, questions and answers to be submitted.....	2231	county commissioners discharge from, when.....	2280
of pupils from other states.....	2232	money belong to, by donation or otherwise, paid into state treasury.....	2268
board of trustees, how appointed, classified, and their terms.....	2228	officers and employees exempt from jury service.....	2269
confer degrees.....	2233	salaries, &c.....	2252
elect principal, &c., qualifications, duties, &c.....	2229, 2234	physician, assistant, election, term of office and removal.....	2250
erect buildings, when	2229	removal to Western.....	2244
meetings of.....	2230	to, out of state.....	2273
executive committee, how elected, terms, &c.....	2229	duty of person having charge of estate, to supply funds.....	2274
expenses, traveling and for clothing, paid out of state treasury, how and when, auditor charges the same to county....	2238	justices of the peace to report proceedings to clerk.....	2275
Incorporated, name, where situate.....	2227	clerk to lay proceedings before judge.....	2276
lot in front of colored, to be used as a garden, contracts for sale of lots, with consent of purchasers, canceled.....	2239	certificate of removal signed by judge, sufficient	2277
officers removed by board, notice in writing to account, vacancies filled by board....	2236	settlement of insane person.....	2262-2266
principal employs employees, compensation	2237	costs of return to place of, by whom paid..	2266
state treasurer <i>ex officio</i> treasurer of, to report to board of trustees, trustees report to governor.....	2235	steward, matron and treasurer, duties.....	2251
INSANE.		superintendent to notify sheriff of county of escape of insane person, or of his being sent home on probation; sheriff to take and return such person.....	2261
N. C., at Raleigh, Western N. C., near Morganton, and the Eastern N. C., near Goldsboro, incorporated under respective names.....	2240	controls officers and employees.....	2253
may acquire and hold property by devise, &c.....	2241	election, term, qualifications, salary, &c., of	2249, 2253
admission, indigent, have priority; proviso as to others.....	2278	reports of, &c., published for general assembly; copies sent to clerks.....	2254
		supported, how	2268
		visitors of, board of public charities.....	2271
		whites, asylums for	2242
		divided between, by board of directors	2243

Attachment,	SECTION	Beds,	SECTION
form of, for collecting poll tax.....	3675	clam and oyster, how made	3390, 3391
Attorney-general,		county commissioners cause surveys of, to	
action when and now brought by, to vacate		be made, &c.....	3392
grants or letters patent	2788	misdeamnor to injure or rob, &c.....	3393
when and how brought against trustees of		oysters cannot be removed from natural, in	
private charities, abusing trusts	2343	New river, when.....	3394
clerical assistance allowed.....	3729	Beef	2983, 2985, 3021, 3022, 3033, 3035
reports decisions of supreme court (6)	3363, 3723	Bills,	
salary and fees of.....	2345, 3723	not to be issued as money.....	2403
vacancy in office, at what election filled....	2736	nor to be circulated.....	2494
Auctioneers,		Blanks,	
appointed for fairs, how.....	2708	forms, &c., of process and bonds, &c., furn-	
by whom, bond, &c	2281	ished by clerks.....	3761
penalty for acting otherwise.....	2283	Blind,	
fees of.....	2285	asylums for.....	2227-2238
semi-annual account rendered to clerk, con-		See <i>Pensions</i> .	
tents and form.....	2282	Board of education, &c.	2503-2667
tax on sales	2282	See <i>Education</i> .	
sales exempt from	2284	Boats,	
Auditor,		obstruction of, by felling trees, &c., in	
annual accounts of, when closed.....	3360	streams	3711
banks having state deposits to transmit		owners of, can construct and maintain draws	
monthly statements to.....	3354	in bridges.....	3719
clerical assistance, amount allowed.....	3726	trespass on, penalties and damages, excep-	
issues warrant on state treasurer for county		tions	2288
school funds.....	2537	Bonds,	
office hours and room of.....	3353	PARTICULAR,	
paying for public printing contrary to law ..	3623	in criminal cases, returned to court, deemed	
powers and duties of.....	3348, 3350	a recognizance, on breach, how collected.	3467
salary of.....	3726	keeper of the capitol.....	2306
servant allowed.....	3732	paymaster.....	3192
vacancy in, at what election filled.....	2736	pilots.....	3487, 3513, 3516
warrants on state treasurer drawn by.....(9)	3350	public printer.....	3621
Authentication of records,		prisoner in civil actions on <i>mesne</i> process, to	
See <i>Appendix</i> , p. 732.		stand as security for final judgment of	
Banks,		plaintiff, how enforced.....	3468
bills, notes, &c., not required to be under seal		on breach, debtor excluded from bounds..	3469
of.....	2286	register of deeds.....	3648
how issuable.....	2286	restraint of insane person, amount and	
notes of, &c., may be set off in actions by.	2287	form.....	2263, 2264
judgments in favor of, paid in notes of....	2287	STATE,	
not to apply to confederate debts scaled,		act for exchange of old, in compromise of	
nor to debts, &c., since 1st of May, 1865..	2287	public debt to be in force until first of	
checks, &c., payable on demand in specie,		January, 1885.....	3581
damages.....	2492	construction, new to be issued on presenting	
duties and liabilities of	2286	certificates.....	3592
issuing bills, &c., not to pass as money unless		description, denomination; how executed;	
allowed, &c.....	2493	coupons receivable in payment of taxes.	3593
may pay taxes due from shareholders.....	3684	exempt from taxation; to have same lien	
not to disburse state funds, unless, &c	3355	on state stock in N. C. railroad as old	
stock, tax on, of residents and non-residents.	3676	bonds, dividends on stock applied in pay-	
tax on, a lien until paid, not transferable		ment of interest.....	3595
until payment.....	3683	how canceled.....	3597
with state deposits, to transmit monthly		executors and other trustees can exchange	
statements, &c., to auditor.....	3354	old, for new, and to invest trust funds in	
Barrel,		new.....	3596
weight of, &c.,		governor authorized to appoint commis-	
3006, 3009, 3020, 3022, 3026-3030, 3034, 3036		sioners to negotiate with holders of N. C.	
Bars,		railroad construction bonds; terms to be	
size of, in inches, &c., regulated.....	3395	approved by governor and treasurer.....	3588
measuring less than one and a half inches,		construction, old, commissioners, &c., to con-	
not to be used in White Oak river.....	3424	tract for renewal of.....	3589

Bonds—Continued.	SECTION	Bribes—Continued.	SECTION
old, to issue certificate to persons surrend- ering.....	3590	sembly; legislator accepting, forfeits of- fice, and guilty of felony.....	2852
empowered to sell new, and invest pro- ceeds in purchase of construction bonds, &c.....	3591	See <i>Vol. I, Crimes.</i>	
to give security for faithful performance of duty.....	3598	Bridges,	
vacancies, how filled.....	3599	owners of boats, can construct draws in....	3719
contingent, when issued, &c., exempt from taxation.....	3583, 3585	Building and loan associations,	
treasurer may sell, when.....	3584	articles deposited with clerk, tax, &c.....	2284
enumeration of fundable, in settlement of state debt, &c.....	3571, 3572	when altered, how certified and recorded..	2295
coupons of, receivable for taxes.....	3573	dues, payment of, how compelled.....	2297
excess of fund accruing from certain taxes, how applied.....	3577	formation and powers.....	2294
executed how, coupons attached, where pay- able, &c.....	3563	loan secured by mortgage; proviso.....	2300
forms of, issued to commute debt.....	3575	members advanced by company, when.....	2299
interest on new, paid from treasury, when...	3582	new, put on same footing with old, how...	2298
memorandum, with numbers, &c., to be kept.....	3564	shares, number and par value fixed.....	2296
mode of transfer, certificate.....	3562	Buoys,	
rates of exchange of old, for new, &c.....	3574	fouling, &c.....	3087
registered by treasurer.....	3568	vessel, &c., not anchored in range of light...	3086
registration fee; registry evidence.....	3569	not to be moored to.....	3085
when registered, how transferred.....	3570	See <i>Light Houses.</i>	
title, &c., of act, recited on.....	3566	Bushel	3849, 3850
treasurer keeps descriptive list of new, issued, and of old, surrendered; sur- rendered, to be destroyed.....	3578, 3579	See <i>Weights.</i>	
cancelled matured coupons on new, before delivery.....	3581	Canal,	
chief clerk of, authorized to make indorse- ments, when.....	3567	Waccamaw to Little river.....	2590
what, exempt from taxation.. 3565, 3573, 3583,	3595	Canoes,	
what taxes applied to payment of interest on new.....	3576	boats and.....	2283, 3711, 3719
Boundaries of state,		Cape Fear river,	
governor appoints commissioners to run and remark, &c.....	2289	fish protected in... ..	3409
expenses of commissioners, how paid.....	2290	seining, &c., for shad in, when forbidden...	3403
arbitrators appointed in case of disagree- ment.....	2291	Capitol,	
disagreement reported by governor to gen- eral assembly.....	2292	accounts for work and labor in, and about, how paid.....	2310, 2311
survey reported to general assembly; no force till approved.....	2293	board of public buildings, duties and powers,	2303
Branch,		compensation of.....	2301
expiration of, as to pilots at Hatteras and Ocracoke.....	3512	disorderly conduct in.....	2307
forfeiture by absence for more than six months, to whom granted... ..	3490, 3514	penalties against infants paid by parents and guardians.....	2308
Brand,		grounds, yearly appropriation for care of...	2309
altering inspector's, penalty.....	3017	keeper of, appointed by board, powers and duties.....	2301
cattle, &c., to be in brand of owner, to be de- cided by record.....	2317	bond of.....	2306
See <i>Inspections.</i>		supervisor of public lots, exceptions.....	2312
Bribes,		may lease same and pay proceeds to gover- nor.....	2312
members of general assembly, securing elec- tion by, &c., expelled.....	2846	keeps walks, &c., in repair; uses convict labor.....	2316
persons offering, to member of general as-		has charge of arsenal, compensation there- for.....	2302
		acts as standard keeper, when.....	3844
		duties of, under board of public buildings, compensation.	2303
		rooms in, how appropriated.....	2305
		not to be used as sleeping apartments....	2304
		squares, free access to, allowed.....	2315
		trespass on, &c., a misdemeanor.....	2313
		Moore and Nash, to be ornamented, and va- cant lots improved by city of Raleigh...	2314
		Carteret county,	
		stationary nets, traps, &c., cannot be used in,	3430
		Cattle,	
		branded with owner's mark, brand recorded,	2317
		distempered, driving, &c., in uninfected dis- trict.....	2322

Cattle—Continued.	SECTION	Cherokee Lands—Continued.	SECTION
owner, not knowing them to be, subject to damages only.....	2323	to suspend further collection of debts due on Cherokee bonds.....	2442
when not subject to penalties.....	2324	to appoint overseers to superintend making of road.....	2471
driving into the state from other state between certain dates forbidden.....	2319	dnty of, in collecting Cherokee bonds.....	2474
from certain places into the highlands between certain dates forbidden.....	2320	must pay amount to state treasurer.....	2475
from one part of the state, through another, certificate of health an affidavit of owner required.....	2321	how to collect said sum.....	2476
injured by railroad in certain counties a misdemeanor; officers indicted, exceptions.....	2327	board, surrendered lands sold under valuation of.....	2430
indictment not found until damaged party has proposed reference.....	2330	governor to appoint.....	2445
penalty on conviction.....	2328	when and where to meet.....	2447
killed by railroad, <i>prima facie</i> evidence of negligence in company; action brought in six months.....	2326	their oath.....	2448
in woods, head, ears and hide to be shown in two days, &c.....	2318	bonds, to be filed with treasurer.....	2359
stone horses and mules two years old, not to run at large.....	2325	commissioner giving, shall proceed to sell.....	2401
Chain-carriers,		to be placed in agent's hands by treasurer.....	2114
fees of.....	3754	treasurer to take receipt for.....	2415
Charities,		solvent, how paid.....	2425
PRIVATE,		how payable.....	2431
trustees of, render accounts, &c., filed and recorded.....	2342	until paid, grant withheld.....	2439
mismanaging trusts, action brought against by attorney-general, when.....	2343	of, to be canceled.....	2450
solicitor sues at suggestion of two citizens.....	2344	persons entering lands to file, with entry-taker.....	2466
fees of attorney-general and solicitor.....	2345	Cherokee lands reserved to Indians.....	2346
PUBLIC,		contracts with, in writing and signed by two witnesses.....	1553
board of, elected, terms, vacancies how filled.....	2331	penalty for entering, such, void.....	2347
biennial reports of.....	2338	lands, governor to direct sale of.....	2371
county commissioners report to, &c.....	2339-2341	laid off into districts, qualities and prices of.....	2308
insane may be sent to asylum by.....	2336	no transfer allowed.....	2409
reports of.....	2333	cutting timber, indictable.....	2410
causes of insanity, &c.....	2334	agent to reside in, to receive money due from purchasers.....	2413
may require members to visit jails, &c.....	2335	collections suspended.....	2416
may require reports from superintendent of charitable and penal institutions.....	2337	agent to suspend collection due on, bonds.....	2442
meetings of, compensation and duties.....	2332	extends the pre-emption right to residents in.....	2458
visitors <i>ex officio</i> to the asylums.....	2271	office of entry-taker established in.....	2464
Chatham county,		surveyor elected for.....	2469
fishways on Haw river in, maintained, &c.....	3402	dnty of agent collecting bonds.....	2474
Chemist,		subject to entry as other lands.....	2478
See <i>Agriculture, Health.</i>		commissioners appointed by governor.....	2350
Cherokee county,		to make return to the comptroller.....	2361
seining, &c., in streams, when unlawful.....	3399	governor to appoint, to sell lands.....	2365
Cherokee lands,		to postpone sale if lands do not command proper price.....	2372
agent to be appointed to reside in Macon or Cherokee, to receive money due from purchasers.....	2413	to ascertain what lands in dispute between Indians and those claiming under the state.....	2373
state treasurer to place bonds in his hands.....	2414	to bid for the state in certain cases.....	2375
treasurer to take receipt from.....	2415	governor to appoint two to contract with Indians.....	2376
releases, how proved, to certify.....	2424	to report to the next general assembly.....	2378
duties of.....	2429	appointed to effect contract.....	2382
how to proceed, when part of tract sold.....	2434	conveyances and releases to be taken from the parties.....	2383
not to receipt for, until whole amount paid.....	2439	to report to the governor.....	2385
to return statement.....	2440	governor to appoint, their dnty.....	2386
		lands for sale to be classed by, sale postponed in certain cases.....	2387
		empowered to sell lots in the town of Franklin.....	2388

Cherokee Lands—Continued.	SECTION	Cherokee Lands—Continued.	SECTION
governor authorized to direct sale and to appoint a commissioner	2392	shall appoint commissioners and surveyor.	2400
governor to appoint, of sale, who upon giving bond shall sell	2401	upon giving bond, shall proceed to sell.	2401
to pay over moneys.	2404	board appointed by, and court to sell insolvent's land	2430
shall deposit bonds with treasurer.	2405	if persons surrendering do not comply, agent to sell or report to	2432
eight lots to be sold by	2411	to advertise	2433
one to be appointed by governor, duties.	2422	to appoint board to value surrendered lands	2445
to take oath	2426	may sign what grants	2467
compensation	2427	grant, when to issue	2358
when original purchaser has not paid, duty of	2437	certificate of state treasurer, evidence on which to issue	2390
lowest valuation	2446	certificate and, how given	2403
not allowed to be a purchaser	2451	to issue to surty, secretary's duty	2438
to value land, &c.	2452	not to issue till whole amount of bond paid	2439
to furnish agents and occupants with certificates	2453	evidence on what to issue	2444
comptroller, commissioners to make return to	2361	what, governor may sign	2467
duty of	2441	Haywood, contract to be registered in	2384
to furnish statement	2449	evidence in land suits in, county	1346
county, temporary jurisdiction of	2362	governor to convey certain lands to justices of, county court	2394
sale of reservations in Macon, name of, site	2412	vacant lands in, may be entered	2468
agent to reside in, of Macon or Cherokee ..	2413	Indians, lands reserved to	2346
vacant lands in, of Macon and Haywood, may be entered	2468	penalty for entering said lands, entries void ..	2347
ejection, purchasers may institute action of	2407	purchases of, void, penalty for	2348
of ejection	2436	unlawful to hunt, range or drive stock on said lands	2349
occupants may be, by purchasers	2364	fine for disobedience	2368
entry of Cherokee lands void, penalty	2347	white men may extinguish right of, to said lands	2369
land which sells at fifty cents an acre, not to be entered	2354	penalty for buying from, remitted	2370
when, how and at what price, lands may be persons heretofore entering lands, must file bonds, if not, others may enter	2477	commissioners to ascertain what lands are in dispute between, and those claiming under state	2373
Cherokee lands may be entered as other lands	2478	governor to appoint two commissioners to contract with	2376
entry-taker, office of, established in Cherokee	2464	to ascertain whether said, have sold their titles to individuals	2377
persons entering lands to file their bonds with	2466	insolvents shall surrender lands purchased and be released	2423
evidence, copies of certain papers filed in secretary of state's office is	2443	purchasers, provisions extended to securities of	2428
grant, on which to issue	2444	justices of the peace, governor to convey certain lands to, of Haywood county court	2394
certificate of state treasurer, of payment ..	2390	to dispose of said lands	2395
in land suits in Haywood and Henderson counties	1346	Macon, what section of land under jurisdiction of	2408
for the benefit of those already settled	2388	sale of reservations in, and of lands already surveyed, name of county site	2412
governor to appoint commissioners	2350	an agent appointed to reside in, to receive money from purchasers	2413
to give notice of sale, &c.	2355	surveyed lands in, embraced	2455
to appoint commissioners to sell land	2365	pre-emption to extend to settlers on vacant lands in	2456
to direct the sale of Cherokee lands	2371	fine for locating, &c., limited, &c.	2457
to appoint two commissioners to contract with Indians	2376	certificates	2459
commissioners to report to	2385	advance payments	2460
to appoint other commissioners, their duty authorized to direct a sale and to appoint a commissioner for that purpose	2392	vacant lands in, may be entered	2468
to convey certain lands to Haywood county justices	2394	lots in Franklin may be surveyed and sold ..	2303

Cherokee Lands—Continued.	SECTION	Titles,	SECTION
Morris, contract ratified except as to the claim of.....	2390	laws relating to incorporated.....	3787-3829
to be enrolled and printed with state laws....	2381	Citizenship,	
commissioners appointed to effect contract. 2382		infamous persons, how restored to.....	2938-2941
releases and conveyances to be taken from the parties.....	2383	Clams,	
contract to be registered in Haywood.....	2384	residents may make, beds, license, &c....	3390, 3391
occupants may be ejected by purchasers....	2364	Clerks,	
entitled to crops.....	2366	furnish blank process, bonds, &c.....	3761
two occupants.....	2461	issue execution for fees in certain cases, bill of costs to be annexed.....	3762
of state lands, rights and privileges of....	2473		
pre-emption right to extend to settlers only. 2435		SUPERIOR COURT,	
on certain conditions.....	2454	collects tax from B. and L. Asso., pays to county school fund.....	2294
to extend to settlers on vacant lands in Macon.....	2456	conveyances, &c., given to register of deeds, &c.....	3652, 3653
fine for locating, &c., limited, &c.....	2457	elected, when.....	2660
extended to residents in Cherokee.....	2458	proceedings to remove insane person out of state, &c.....	2273
time of privilege limited.....	2462	punished for violating election law.....	2707, 2749
taxes.....	2463	records insurance abstracts from secretary of state.....	3069
public buildings, site for.....	2353	Coal vessels,	
site for, to be fixed upon.....	2397	exempt from pilotage; to hoist flag, &c.....	3505, 3507
register of deeds, duty and fees.....	2481	Code, the	
inserts in body of grant, number of tract or section of plot.....	2480	conclusive evidence of the law.....	3877
sale, terms of.....	2356	provisions relating to.....	3866-3878
minimum of price, postponed.....	2357	Colonial records,	
month's notice of, by advertisement.....	2374	missing from state archives, to be procured and printed.....	3610
bidders not complying with terms of, to forfeit bid, &c.....	2389	Commissioners,	
secretary of state to issue grant on affidavit of purchaser.....	2390		
duty of, to issue grant to surety.....	2438	OF CONSTRUCTION BONDS,	
certain papers in office of, evidence.....	2443	duties and powers.....	3590, 3591, 3597
inserts in body of grant, number of tract, section of plot.....	2479	authorized, with consent of governor and treasurer, to contract for renewal of....	3589
surveyed lands in Macon embraced.....	2455		
how to be sold.....	2470	OF COUNTY,	
surveyor, his duties, deputy chain carrier, &c.....	2351	See <i>County Commissioners.</i>	
duty in noting mines, &c., three plots of whole land to be made.....	2352	OF NAVIGATION,	
governor shall appoint.....	2295	See <i>Navigation.</i>	
to lay off lands in tracts and districts, qualities, prices, &c.....	2598	OF STREAMS,	
what shall note, maps to be made.....	2399	duties and powers..	3706, 3708, 3710, 3712, 3714-3717
for Cherokee elected.....	2469	OF WRECKS,	
toll, penalty for breaking through gates to avoid.....	2472	appointment, bond and oath.....	3852
treasurer of state, bonds for purchase filed with.....	2350	resides in district; not to be pilot or officer of U. S.....	3853
certificate of, may be evidence of payment. 2390		compensation.....	3855
to place bonds in hand of agent.....	2414	duties.....	3854-3859, 3864
to take receipts from agent for the same.. 2415		penalty for abuse of trust or other violation of law.....	3862-3865
to make out statement of amount due on bonds, &c.....	2419	Committees,	
amount agent must pay to.....	2475	legislative, duties and powers.2353, 2354, 2356-2360	
who shall not be entitled to the benefit of this chapter.....	2417	Compromise,	
Child,		of state debt, act concerning.....	3562-3599
legitimate, has settlement of father..... (3)	3544	appropriation to enable treasurer to carry out its provisions.....	3586
illegitimate, that of mother..... (4)	3544	Confederate currency,	
of convict, born in penitentiary provided for 3447		to what contracts, scale applicable.....	2493
		consideration may be shown in contracts for. 2497	

Confederate currency—Continued.	SECTION	Convicts—Continued.	SECTION
jurisdiction of justice of the peace in such cases.....	2493	carries to penitentiary, when.....	3435
scale, what time to apply.....	2496	state not liable for maintenance of, until received.....	3438
Congregation,		weapons, penalty for conveying to, or from.....	3441
penalty for obstructing way to house of worship, or to spring or well used by.....	3669	Cooper and cooerage	2983, 2998, 3034, 3038
studs, jacks, curiosities, &c., not to be exhibited near, when, &c.....	3670	Copy sheet,	
Congress,		what is a.....	3757
election of representatives in.....	2663, 2718-2720	Cord wood,	
members of, commissioned by governor.....	2723	how sold.....	3049, 3050
vacancy in representation, how filled.....	2722	Coroner,	
Congressional districts,		fees of; summons physician, &c.....	3743
division of.....	2719	Corporations,	
Constable,		may pay taxes due from shareholders.....	3684
fees of.....	3742	not to issue any bill, &c., to pass as money, unless, &c.....	2498
town, authorized to serve process.....	3810	circulating the same, a misdemeanor.....	2494
bond, duties, oath, powers.....	3808, 3809	property subject to taxation; laws exempting, repealed.....	3677
elected when.....	2270	Costs,	
makes monthly statements.....	3813	bill of, annexed to execution, &c.....	3761
Constitution,		of civil actions by or against state officers, when brought or defended by advice of the attorney-general, paid by state.....	3373
of North Carolina, and index to. Appendix, p. 679.		Cotton,	
the United States, and index to. Appendix, p. 606.		inspection of.....	3056-3061
Construction,		Council of state,	
bonds, compromise authorized.....	3583, 3589	convened by governor.....	3331
of statutes and words.....	2490, 3765, 3766, 3827	Counsel,	
Contagious diseases,		governor employs and pays when... (6)	3320-3321
See <i>Health</i> .		County,	
officers of police provide against.....	2909	convicts hired by, expenses, &c.....	3429-3435
sale of animals with, forbidden, &c.....	2483, 2480	expenses for guarding, &c., prisoners, paid by.....	3462
Contracts,		land sold for taxes, bid in for, when....	3691
gaming.....	2841-2843	sold if not redeemed in twelve months.....	3467
in confederate currency, how solvable.....	2495	secretary of state furnishes blank-books, &c., to.....	3344
consideration may be shown.....	2497, 2498	taxes levied by, to raise money to work convicts on highways.....	3452
of minor students at university, void.....	2647	County board of education,	
how avoided.....	2648	See <i>Schools</i> .	
Convicts,		County commissioners,	
carried from county of conviction to place of labor by order of directors of the penitentiary.....	3428	appoint inspectors, &c.	2983, 3025, 3040, 3050, 3051
children of, born in penitentiary, cared for ..	3447	assess and collect back taxes on unlisted land.....	3671
divine service and Sunday schools provided ..	3446	auctioneers appointed by.....	2981
escape, attempting an, or resisting guard....	3443	authorized to levy taxes for relief of destitute disabled soldiers.....	3471
compensation for taking and returning....	3434	county candidates having equal number of votes, decided by.....	2914
recaptured, to serve full term.....	3442	clerk of, records cattle brands.....	2911
farmed out or worked by county or municipal authorities.....	3448	duties and powers of, regarding streams.....	3706-3710, 3713, 3714
contracts for labor, made with directors,.....	3449-3452	boundary lines of regiments, established by, when.....	3171
directors may farm out; bond for safety, guard, &c.....	3433	establish public landings and places of inspection.....	299
party hiring may use means to prevent escape.....	3454	may cause estates of indigent persons to be sold to reimburse county maintenance... ..	3547
hired to county or town, under control of sheriff, &c.....	3453	may exempt from payment of poll tax, &c.	3691
labor of, used to lessen public expense.....	3431	may discharge lunatic in certain cases.....	2981
lunatic may be sent to asylum.....	3439	local assessment, election for, &c., ordered by.....	299
rules of penitentiary read to all.....	3441		
rewards and punishments for observance or violation of.....	3445		
sheriff, fees for carrying to penitentiary,.....	3435-3437		

County commissioners—Continued.	SECTION	Debt—Continued.	SECTION
polling places established and discontinued by.....	2671	settlement of, &c.....	3562-3599
provide standard weights and measures.....	3838	what funds and taxes applicable to payment of interest on consolidated,	3576, 3577, 3582, 3583, 3593, 3597
punished for violating election law.....	2707	Debtors,	
refusing to receive and provide for paupers, &c.....	3545	insolvent.....	2942-2981
report to board of public charities.....	2339	Deed,	
require justices of townships to furnish information for said report.....	2340, 2341	for school house sites, may provide for land to revert to grantor.....	2557
registration books furnished by.....	2673	school committee are the grantees.....	2582
order new, &c.....	2675	recitals in tax, evidence that sheriff has complied with law.....	3696, 3697
select a student for gratuitous instruction at the university.....	2633	Deer,	
who eligible as such student.....	2634	penalty for hunting, &c., during certain months.....	2832
tax for public schools, levied by; how collected.....	2590	how enforced.....	2833
turner-up of tobacco, appoint.....	2983	Dentistry,	
County superintendent of public schools, See <i>Schools</i> .		board of examiners grant certificates to practice.....	3148, 3151
County treasurer,		certificates temporarily granted.....	3151
books of, examined by county board of education.....	2547	not refused on account of color, &c.....	3154
receives and disburses assessments collected for public schools, bond is liable.....	2598	election of board.....	3149
makes requisition on state board for school funds due county.....	2537	meetings of.....	3150
is treasurer of county school fund.....	2545	quorum.....	3153
See <i>Schools</i> .		names of licentiates recorded.....	3152
Creeks,		vacancies in board, how filled.....	3149
rivers and.....	3706-3719	finer appropriated to school funds.....	3155
Crimes	970-1123	practice of, regulated.....	3148, 3156
See <i>Index to Vol. I</i> .		must have license to practice.....	3154
Cruelty to animals,		Depositions,	
construction of certain words, &c.....	2490	in contested elections for members of general assembly.....	2850, 2851
conveying in cruel manner, &c.....	2486	not to be read at hearing of petition by infamous persons for restoration to citizenship.....	2999
defined and forbidden.....	2482	Derelict property,	
fighting bears, dogs, cocks, &c.....	2483	defined, goes to university.....	2629
glanders, animals with, to be killed.....	2489	Districts,	
sale of, forbidden.....	2488	congressional.....	2719
impounded animals to be supplied with food, costs paid by owner.....	2485	judicial.....	910
failing to provide food, &c.....	2484	senatorial.....	2844
instigating or encouraging.....	2487	Disturbance,	
Currency,		of public worship.....	3669-3672
accounts kept in dollars and cents.....	2491	Dividends,	
bank checks payable in specie on demand, damages.....	2492	of corporations unclaimed, go to university.....	2628
consideration may be shown in contracts for confederate.....	2497	Documents,	
may be proved before a justice of the peace.....	2498	public, secretary of state furnishes N. Y. historical society.....	3601
issue of any bill, &c., to pass as money forbidden, &c.....	2493, 2494	libraries of, established for general assembly.....	3602
lawful, defined.....	2491	of federal government, how distributed.....	3600
scale of confederate, established; applicable to what contracts.....	2495	printing and distribution of.....	3637
at what time to apply.....	2496	Dogs,	
Deaf mutes	2227-2239	bitches not to run at large, when.....	2501
See <i>Asylums</i> .		larceny of, when tax paid on.....	2502
Debt,		mad, to be killed by owner, &c.....	2499
act to compromise state, how long in force..	3581	sheep-killing to be killed, &c.....	2500
state, see <i>Bonds</i> .		Draw bridges,	
		who may construct.....	3719
		Druggists,	3133-3147
		See <i>Pharmaceutical Society</i> .	
		Drugs,	
		adulteration of.....	3142

Drugs—Continued.	SECTION	Elections—Continued.	SECTION
compounding, by unregistered person.....	3145	declaration of result proclaimed at the court house.....	2699, 2700
poisons, how sold.....	3143	canvassers, county, duties in canvassing vote for electors of president and vice-presi- dent.....	2745
Dynamite,		powers.....	2735
explosives, &c., to destroy fish, use prohib- ited.....	3405	shall appoint registrars of elections.....	2674
Education,		and judges or inspectors.....	2678
board of incorporated, name and powers....	2503	how punished for violating the law.....	2707
distribute school moneys.....	2532	certificates of, when, how, and by whom fur- nished.....	2702, 2723, 2729, 2731
loan no money except by direction of the general assembly.....	2530	challenge by electors or judges.....	2683
make rules and regulations for governing public schools.....	2530	oath of those challenged.....	2684
may establish normal schools.....	2651, 2652	of voters, right of.....	2671
proceedings of, to be recorded.....	2505	who may challenge, and when judges shall,	2683
officers, meetings, quorum, &c.....	2504	infamous persons may be challenged and required to answer.....	2733
recommend text books, and fix prices for the same.....	2539	congressional, for senators of U. S.....	2718
school funds not invested, but distributed by.....	2531	representatives of the several districts, 2688,	2719
succeed to powers, &c., of directors of lit- erary fund.....	2506	representative from the state at large.....	2720
warrant for county school funds issued on auditor by.....	2537	vacancies in representation, how filled....	2722
See <i>Schools, Swamp Lands.</i>		representatives in congress commissioned by governor.....	2723
Eggs,		contested, for state officers, how determined,	2705
unlawful to destroy, of quail or partridges..	2636	for members of the general assembly, 2850,	2851
Elections.		day of... ..	2668-2670, 2731, 2741, 2742
armed men not to muster on day of.....	2712	elector to vote only in ward or precinct of residence.....	2676, 2680
ballot to be on white paper and without de- vice.....	2687	elections for, of president and vice-presi- dent.....	2742-2750
when and how counted; what, void.....	2689	infamous persons not allowed to vote, unless restored to rights of citizenship; chal- lenged, &c.....	2733
boxes to be provided by county commis- sioners; description of boxes, and by whom kept.....	2688	intimidation of voters, a misdemeanor.....	2715
how opened.....	2689	intoxicating liquors not to be sold or given away on day of.....	2740
betting on, &c.....	2717	judges of, duties and powers of.....	2754
breaking up, a misdemeanor.....	2713	in regard to examination of voters and preservation of order.....	2734, 2735
bribery at.....	2716	candidates not eligible ns, or <i>registrars</i>	2674
candidate having highest number of votes declared elected, two or more county candidates having an equal number, county commissioners decide.....	2690	local option.....	3110-3118
canvassers, state, of whom composed.....	2725	municipal, when and how held and con- ducted.....	3768
abstracts of election opened when.....	2727	time for holding, may be changed....	3791, 3797
statement of votes cast for officers of the executive department to be published... ..	2730	on change of time, incumbents to hold over	3793
duties and powers of.....	2727, 2735, 2745, 2746	inspectors of, duties.....	3789
canvassers, county, board of, by whom com- posed, register of deeds, <i>ex officio</i> , clerk..	2691	for commissioners, in case of tie, deter- mined by lot.....	3790
returns delivered to, by poll holders.....	2690	registration for voters of.....	3796
quorum.....	2692	of mayor, tie vote, how decided, term of office, vacancy, duties of mayor.....	3794
time of meeting.....	2693, 2745	qualified voters in.....	3795
to open, canvass and judicially determine the returns.....	2694	meaning of residence.....	2680
abstracts of votes to be signed, filed and registered; forwarded to secretary of state.....	2695, 2696	oath for voters, penalty for corruptly taking	2710
contents of abstract of vote for county officers.....	2697	officers, how voted for.....	2687
original returns to be filed with clerk of the superior court and recorded; dupli- cate sent to secretary of state.....	2698	punished for violating election law, &c., 2701, 2703, 2707, 2708, 2745, 2749	2737
		official vacancies, when filled.....	2736, 2737
		polls, when opened and closed; manner of voting.....	2685
		qualification of electors; persons not allowed to register or vote.....	2679, 2680, 2733

Elections—Continued.	SECTION
registrars selected by county commissioners.....	2674
duties, &c., of.....	2675
registration, books to be deposited by judges	
with register of deeds.....	2686
open to inspection	2677
certificates of, not given to voters.....	2676
fraudulent or illegal, &c.....	2680, 2700, 2732, 2733
new, may be ordered by county commis- sioners	2675
no registration on election day.....	2682
of voters, illegal.....	2732, 2733
fraudulent.....	2680, 2709
returns, copies of, furnished by clerk of superior court and register of deeds, to every applicant, penalty.....	2749
delivery of, to county canvassers.....	2690
failure to make proper, officer how pun- ished.....	2703
false, penal.....	2749
for state officers, certified by sheriff, and sent to speaker of house of representa- tives.....	2703
how and by whom opened and published; in case of defective returns, what action to be taken; who declared elected; tie votes	2705
abstract of, signed by presiding officers of general assembly, filed with secretary of state.....	2706
returning officers of senatorial districts, when and where to meet, returns exam- ined, compared, &c., failure, &c.....	2701
secretary of state, furnishes copies of elec- tion law to county commissioners, before election.....	2711
transmits to register of deeds, blank forms of returns.....	2704
sheriff furnishes certificate of, to representa- tives and senators in general assembly...	2702
special, ordered by governor, conducted as other.....	2738
treating at, unlawful.....	2714
Electoral college,	
organization.....	2746
proceedings.....	2747
penalty on elector failing to attend.....	2749
compensation and privileges.....	2750
Embezzlement,	
of fines, taxes, &c., by collecting officer.....	3078, 3705
Entries,	
and grants.....	2751-2788
enterer dying, grant to issue in his name....	2780
irregular, validated.....	2761
for vacant lands, money for, paid to state treasurer.....	2777
lands which are subject to.....	2751
surveys how made and returned, chain car- riers to be sworn.....	2769
to be according to priority of entry.....	2770
surveyors and entry-takers make individual, how.....	2773, 2774
unauthorized, are void.....	2755

Entries—Continued.	SECTION
void if fees not paid within time limited.....	2766
warrants and, how made and issued.....	2765
lost, duplicate may issue.....	2771
persons acquiring lands subject to, covered by navigable water, can establish fish- eries.....	2752
improving, shall have prior right to use thereof.....	2753
residents, may make.....	7, 2754
price at which lands may be entered.....	2764
when entry fees to be paid.....	2766
enterer failing to pay, next enterer entitled..	2767
in case of lapse, same person not to re-enter in one year.....	2768
See <i>Grants</i> .	
Entry-taker,	
duties of.....	2765
makes yearly returns to secretary of state,	2775, 2776
bond of.....	2758
election, term of office.....	2756
dying or resigning, successor issues warrants	2772
fees of.....	2760, 2744
individual entries of... ..	2774
oath and fees of.....	2760
office kept at court house.....	2759
vacancy, register of deeds <i>ex officio</i>	2757
Escape,	
by prisoner, a misdemeanor.....	3455
late sheriff, how discharged from liability on account of.....	3470
liability of sheriff, &c., for.....	3459
sheriff apprehending, of prisoner, obtains guard how; compensation of.....	3460
Evidence,	
in actions against railroads for killing stock, fact of killing is <i>prima facie</i> , of negligence by company; also in indictments in cer- tain counties.. ..	2326, 2329
new books in office of register of deeds, transcribed from old records, received in; copies may be certified.....	3662
tax deed, recitation in, is, that sheriff com- plied with the law.....	3696, 3697
Exchange,	
of old state bonds authorized for new, in settlement of state debt.....	3574, 3588-3597
Execution,	
issued by court-martial, when.....	3180, 3191
tax list in hand of sheriff has same force as judgment and.....	3681
Executors,	
and other trustees can exchange old for new state bonds.....	3580
may invest trust funds in new bonds.....	3506
not exempt from liability on bond by depos- iting funds in bank.....	2286
Exemptions,	
arrest.....	2849, 2950, 2960, 3190
jury service.....	1723, 2362, 2580, 3181, 3281
militia duty, 2269, 3157, 3164-3167, 3237, 3240, 3252, 3253	

Exemptions—Continued.	SECTION	Fees—Continued.	SECTION
personal property, when.....	2797, 3168	supreme court clerk.....	3738
poll tax.....	3181, 3680	surveyors.....	3754
roads, working on.....	2369, 2550, 3181	takers up of strays.....	3769
taxation, lands.....	2580, 3082, 3667	tobacco pickers.....	3755
state bonds.....	3565, 3573, 3583, 3595	witnesses.....	3750
Experts,		before legislative committees.....	2860
fees of.....	3756	clerks of courts may issue execution for, when; bill of costs to be annexed.....	3762
Express companies,		required to post, bill.....	3740
articles not called for, when sold by, &c.....	2789	extra fees not paid to officers, unless au- thorized.....	3758
Fairs,		persons suing as paupers, do not pay.....	3758
appointment of, and regulations concern- ing.....	2790, 2791	paid before service performed, exception in criminal actions, when, need not be paid in advance.....	3758
auctioneer for, how appointed.....	2798	Fences,	
disorderly persons may be removed from grounds, &c.....	2795	abolition of, in certain localities.....	2811-2830
inhabitants of county to have free liberty of	2792	common, how made and kept up.....	2800, 2801
policemen for appointed, duties and powers, 2793-2795		land owner removing his half of joint, to give notice, &c.....	2802
property, what exempt from execution at... 2797		planters to keep sufficient fence.....	2799
removing or injuring articles on exhibition, &c.....	2796	water courses may be made lawful, by county commissioners, &c.....	2808-2810
Farcy,		dividing line, controversy over, on; value as- certained and adjusted.....	2801, 2803-2807
sale of animals having, forbidden, &c.... 2488, 2489		See <i>Stock Law</i> .	
Fees,		Fertilizers,	
appraisers, &c.....	508, 747	agents of transportation companies make monthly statement of, shipped.....	2195
attorney general, bringing action against trustees of private charities.....	2345	dealers in, can sell surplus not exceeding ten tons after license expires....	2304
auctioneers.....	2285	farmers, &c., cannot bring, into state, con- trary to chapter one of vol. II.....	2303
chain carriers.....	3754	merchants cannot sell, without stamp or label attached.....	2193
clerks superior court.....	3109, 3739	proceedings to condemn, &c.....	2192
commissioners of affidavit.....	3741	sale of condemned, a misdemeanor.....	2193
commissioners of wrecks.....	3855	samples of, may be analyzed, &c.....	2194
constables.....	3742	specimens of, sent to the department of ag- riculture.....	2307
coroners.....	3743	tax on, paid to state treasurer.....	2190
electors of president and vice-president ... 2750		not liable for city, town or county tax....	2305
entry-takers.....	2765, 3744	See <i>Agriculture</i> .	
experts.....	3756	Fines,	
harbor masters.....	3482	certain, how applied....	3017, 3155, 3192, 3196, 3209
inspectors.....	3029, 3031, 3055, 3060, 3745	collected for violating fish acts, how distrib- uted.....	3413
jailers.....	3746	paid by collecting officer to county board of education.....	8678
jurors.....	2808, 3747	Fire-wood,	
justices of the peace.....	3748	sale of, in towns by cord.....	8049
millers or manufacturers of flour.....	3006	Fiscal year,	
notaries public.....	3749	closes thirtieth of November.....	2372, 3360
officers, &c., how paid.....	3758, 3759	Fish,	
how collected.....	3760	barrel, size of.....	3026
for making returns to secretary of state... 3759		Cape Fear and tributaries.....	3409
physicians, &c., summoned by coroner.....	3743	Croatan and Pamlico sounds.....	3378
pilots, 3495, 3502, 3503, 3505, 3530, 3522, 3523, 3530, 3534, 3535		Black river and Six Runs.....	3409
private secretary of governor.....	3721	dynamite or explosives to destroy, unlawful, fines, &c., collected for violation of acts, how distributed.....	3405 3413
processioners.....	3754	Frying Pan river.....	3407
rangers.....	3750, 3777, 3778		
registers of deeds.....	3109, 3751		
registrars of election.....	2724		
secretary of state.....	3725		
sheriffs.....	3752		
conveying convicts to penitentiary, &c. 3435-3437			
solicitors.....	3736, 3737		
bringing action against trustees of private charities.....	2345		
standard keepers.....	3753		

Fish—Continued.	SECTION
Henderson county, protected in	3425
Hiwassee river, obstructing passage of, in	3398
Inspectors of	2983, 3025
mullets, how packed	3027
Masonboro and Myrtle grove sounds	3421, 3423
Nantabala river	3401
Neuse river	3422, 3709
non-residents cannot take in large quantities; citizen of state cannot be partner of, in catching	2202
cannot use seines, &c., in navigable waters	3373, 3380
New river	3394
offal not to be cast into navigable streams	3386
Pamlico and Tar rivers, robbing gill nets, &c., in	3418, 3419
lay or embargo days in	3415
seining in, when forbidden	3416, 3419
using nets, &c., or hindering passage of, in	3417
passage, in certain streams made for	3710
South Fork river	3406
Scuppermong river	3408
sluice ways, &c., for passage kept open,	3410, 3411
obstructions in divers streams cleared,	3412, 3413
See <i>Nets, Seines.</i>	
Fisheries,	
by whom established on lands covered by navigable waters	2752
persons improving, to have prior right	2753
right to establish	3384
Flour,	
barrel, weight of	3006, 3030
inspection of	3004-3019
inspectors	2983, 3003
Freedom of speech,	
members of the general assembly shall have	2849
Game	2831-2840
See <i>Hunting, Wild Fowl.</i>	
Gaming contracts,	
specified and declared void	2841, 2842
players and betters are witnesses, &c.	2843
Gates,	
in mill-dams, &c.	3712-3714
in stock law territory, must not be left open	2820
General assembly,	
acts of, furnished college libraries, &c.	3619
furnished to the federal government	3603
number of copies, and how distributed	3632, 3633
private, should not pass, unless, &c.	2861
take effect when	2862
bills, &c., in what manner printed	3644
board of public charities report to	2338
clerks of, index journals, compensation	2867, 2868
mileage and <i>per diem</i> of	2868, 2872
principal, hold office until successors appointed	2870
send copies of journals to secretary of state	3028
directors of charitable and penal institutions	

General assembly—Continued.	SECTION
submit bills for support to	2865, 2866
doorkeepers, mileage and <i>per diem</i>	2872
term of office	2863
keeper of the capitol appoints two, to place in order legislative halls	2871
employeas of, how paid	2873
gravestones provided for members, buried in Raleigh	2874
journals of, deposited with secretary of state	2867
laws of, printed without delay	2869
libraries of documents established for	3092
members of, apportionment of	2844, 2845
bribery of, &c.	2852
securing election by, &c.	2846
convene at time and place appointed	2847
penalty on failing to appear	2848
have freedom of speech	2849
seats how contested	2850, 2851
visitors of asylums	2371
committee of investigation; powers	2853
persons must testify before	2854
how to appear before	2858
committee denying request, applicant may appeal to	2859
fees of witnesses before	2860
sheriff furnishes elected, with certificates	2702
vacancy in, at what election filled	2737
presiding officers and committees can administer oaths, &c.	2855, 2856
printing and distribution of journals	3633
public printer delivers laws, &c., to secretary of state within ninety days	3639
secretary of state to have acts of, printed speedily	2869
state treasurer furnishes estimates of government expense, revenue bills, &c.	2864-2866
trustees of university elected by	2620
sixteen additional trustees elected	2625
vacancies in, filled by	2622
See <i>Constitution, Art. 2, s. 28.</i>	
Geology,	
agriculture and	2184-2226
geological survey a part of agricultural department	2198
expenses how paid, &c.	2211
geologist how appointed	2209
compensation	2210
duties	2198
surveyor, duties of	2212, 2213
See <i>Agriculture.</i>	
Glanders,	
sale of animals having, forbidden, &c.	2488, 2489
Governor,	
appoints adjutant-general	3160
notaries	3304
commissioners to compromise state debt, &c.	3388
authorized to convene council of state	3335
to distribute public arms, when	3553
to employ and pay counsel, when	(6) 3330
boundaries of state, commissioner to run, appointed	2289

Governor—Continued.	SECTION	Health—Continued.	SECTION
issues warrant for expenses	2290	diseases dangerous to, duties of board, &c... ..	2886
appoints arbitrators in case of disagree- ment	2291	nuisances abated	2884
reports disagreement to general assembly	2292	persons listing taxable property to make statement of vital statistics, diseases, &c.	2890, 2892
reports survey to general assembly	2293	printing done by state printer; appropri- ation, &c.	2890
clerk, salary of	3722	quarantine, inland	2883
commissions representatives in congress	2723	small-pox, vaccination, &c.	2885
judges, solicitors, &c.	2731	state board of	2875
duties of, in assigning judges for special terms	3734	duties of	2876, 2886
elections ordered by, &c.	2738	terms of office, &c.	2877
ordered, when offices of president and vice-president are vacant	2748	officers, compensation, &c.	2878, 2881
empowered to contract for artificial limbs, &c.	3473	meetings, &c.	2887
<i>ex officio</i> president of board of university trustees	2615	furnish blanks to county boards to distrib- ute to township assessors	2891
furnish federal government with state laws, &c.	3603	<i>See Hospitals, Quarantine.</i>	
great seal of state and other seals procured by	3328	Henderson county,	
letter book of, kept in executive office	3327	fish passages in cannot be obstructed	3425
military fines and penalties remitted by	3303	Herring,	
powers and duties of	3320	cannot be taken with seines, &c., in Pamlico and Tar rivers	3415
private secretary appointed	3326	Hog land,	
salary of	3721	inspector of	3023
records kept and preserved by	3322, 3323	Holidays	3784-3786
residence of, to be at Raleigh	3325	Horticulture,	
rent of executive mansion	3326	societies for encouragement of, &c.	2798-2798
salary of	3720	Hospitals,	
servant allowed	3732	established by counties and towns	2910
state guard, duties regarding, 3257, 3263, 3264, 3268, 3288, 3290		for stations upon sea shore	2915, 2922
thanksgiving day yearly appointed by	3394	House of representatives,	
Grants,		<i>See General Assembly.</i>	
entries and	2751-2788	Hunting,	
issued prior to 1820, when validated	2783	birds, closed season for	2834
by secretary of state	2778	deer, closed season for	2832
how authenticated; must be registered	2779	penalties for killing, how recoverable	2833
on entries extending into two or more coun- ties, confirmed	2784	on lands of another after advertisement for- bidding	2831
mistakes of surveyor, &c., application to correct, to be made in three years	2785	Sunday, prohibited	2837, 2783
persons aggrieved, &c., how to proceed	2786	wild fowl, restrictions, &c.	2837-2840
judgment in such cases recorded with secre- tary of state	2787	Immigration,	
seal of, lost, may be renewed	2781	<i>See Agriculture, Geology.</i>	
vacation of, action for, how and when brought	2788	Impeachment,	
<i>See Entries.</i>		accused to have counsel	2929
Guardians,		notice to appear and answer	2928
liable for unpaid taxes, &c.	3691	time and place of trial, to be fixed after issue joined	2930
pays penalties against wards for misconduct about capitol	2308	vote necessary to convict	2932
Harbor masters,		judgment upon conviction	2933
appointment	3525, 3529	convicted liable to indictment and punish- ment ..	2936
fees, &c., of	3482	court for trial of, senate	2923
Health,		majority of members a quorum	2924
analyses made by state chemist	2888	powers of	2926
county board of; superintendent, duties, &c.	2879	oath administered to members of	2931
compensation of	2880	when chief justice to preside over	2927
makes monthly returns of vital statistics ..	2882	house of representatives to deliver, to speaker of senate; proceedings	2925
		officer impeached suspended until acquitted. for what offences impeached	2934 2937
		powers of president of senate in	2927
		of chief justice when presiding; has no vote	2927

Impeachment —Continued.	SECTION
president of senate impeached, proceedings	2935
Indexes,	
register of deeds to keep what.....	3663, 3664
Indians,	
See <i>Cherokee Lands.</i>	
Indictment,	
of railroad officers for killing cattle in certain counties, not to be preferred until, &c	2327-2330
Industrial association,	
to receive from board of agriculture five hundred dollars annually.....	2306
Infamous person,	
depositions relating to character of petitioner shall not be read at trial.....	2939
how restored to rights of citizenship.....	2938
no person restored more than once.....	2940
petition to be filed not less than four years after conviction.....	2941
filed in superior court of county where indictment found.....	2940
voting of, forbidden, unless restored to citizenship.....	2733
Insane	2240-2280
See <i>Asylums.</i>	
Insolvent debtor,	
petition filed by	2942
in what court.....	2952
contents.....	2943, 2944, 2953
affidavit.....	2943
oath.....	2954
order for creditor to show cause.....	2945
notice of time and place of filing petition to be served on creditor.....	2955
to be posted or published.....	2946
no creditor opposing discharge, clerk shall enter an order of discharge and appoint trustee.....	2947
creditor opposing discharge, may suggest fraud.....	2948, 2956
issue of fraud, how tried.....	2949
no fraud suggested, debtor discharged.....	2957
issue of fraud made up, debtor not discharged, except by trial and verdict.....	2958
if fraud found, judgment of imprisonment rendered.....	2961
order of discharge, its terms and effect.....	2950, 2960
application for discharge from prison, how made.....	2968
notice to sheriff or other officers.....	2969
warrant for prisoner issued by clerk or justice of the peace.....	2970
proceedings on return of warrant.....	2971
oath to be taken before discharge.....	2971, 2972
what officers may oppose discharge and suggest fraud.....	2973
when and by whom application for discharge to be made, when debtor confined in penitentiary, or in jail for more than twelve months	2974
to whom application must be made.....	2975

Insolvent debtor —Continued.	SECTION
when trustee appointed, duty of.....	2975-2977
when returns to be made and accounts settled.....	2978
more than one trustee may be appointed....	2980
in case of vacancy by death or otherwise, court may appoint another.....	2981
debtor may give bond for his appearance... ..	2958
complying and not attending on account of sickness, case continued.....	2959
surety on any bond for appearance may surrender principal.....	2963
debtor swearing falsely, guilty of perjury... ..	2964
may take benefit of prison bounds.....	2966
creditor liable for prison fees in certain cases.....	2965
who entitled to benefit of chapter on insolvent debtors.....	2951, 2967
Inspections,	
barrels, cooperage, disputes about in Wilmington, determined, how.....	3048
cooper makes, as directed in chapter entitled.....	3034
fish, size regulated.....	3026
flour, weight, size, &c.....	3006
turpentine, &c., weight, size, &c.....	3028
pork, beef, &c., weight and size	3022
board of commissioners appoint inspectors, try them, &c.	2983, 3025, 3040, 3050, 3051
landing places, and places of inspections... ..	2982
cotton seed, bushel of, weight.....	3849
sold from Wilmington, weighed.....	3058
who to weigh	3059
fee	3000
shipped from Wilmington, unless sold in town, free from inspection.....	3061
weigher's oath filed with register of deeds, &c.....	3057
weighing and deduction of weight.....	3056
fines, &c., under chapter on inspections; how applied	3047
fire wood, inspectors of, for New-Berne....	3050
sale of in towns to be by cord.....	3049
fish barrels and half barrels, size, &c., regulated.....	3026
inspectors of; duties, fees, powers, &c., regulated; exception.....	3025
salt mullets, how packed; packers of, &c.	3027
flour, "cask" or "barrel" includes half barrel.....	3020
cask not condemned when.....	3015
cask of, how inspected... ..	3010
owner dissatisfied gets a re-examination... ..	3011
cask with brand on not to be used.....	3016
grades of.....	2587
what grades and weight pass inspection... ..	3005
inspectors of.....	3003
altering brand of.....	3017
duties of and neglect.....	3018
not to trade in or buy, which he has condemned	3004
unpack when	3008
not liable to re-inspection in sixty days... ..	3014

Inspections—Continued.	SECTION	Inspections—Continued.	SECTION
sellers of, barrels, deficient in quantity, liable, &c.....	3009	cannot export.....	2986
sold in Fayetteville.....	3019	designate quality.....	3001
to be observed by millers, &c.....	3007	inspectors of, deputies not allowed.....	2987
uninspected, not to be exported, &c.....	3012	forging stamp of.....	2993
penalty on shipper.....	3013	give manifest of hogsheads.....	2991
grain, bushel of, weight.....	3850	inspectors of, to take lugs, from each break, not liable when warehouse burns.....	3002 2984
inspectors appointed.....	2983, 2986	no, exported before inspection.....	2993
fees of, by whom paid; penalty for extortion.....	3055, 3745	owners may turn up.....	2998
misdemeanor to act falsely, &c.....	3046	proceedings for demand of, injured since inspection.....	2997
of fish.....	3025	when note lost.....	2996
bog's lard.....	3023	Inspectors,	
meats.....	3021	fees of... ..	3025, 3745
naval stores; term of office; vacancies; duties.....	3031	<i>See Inspections.</i>	
saw mill lumber.....	3040	Institute, teachers'	2567, 2568
tobacco.....	2983	Insurance,	
provisions.....	3051	actions may be brought in twelve months after loss occurred; no shorter time allowed.....	3076
duties.....	3052	agent of company guilty of felony, when... ..	3077
bond, &c.....	3053	general, appointed.....	3062
rice.....	3021	copy of articles of association to file with secretary of state.....	3062
wood.....	3050	deposit of bonds to be made by, with treasurer.....	3062
lumber, how inspected.....	3039	failing to perform duties prescribed, penalty.....	3079
inspection of steam mill.....	3042	license and other fees to pay.....	302
inspection of tun-timber, in Cape Fear river.....	3041	making deposit fee.....	3075
tun-timber and saw mill, how measured... ..	3043	statement of business filed with secretary of state.....	3062
meats, beef, pork, &c., inspector of... ..	3021, 3023	statement made annually of financial condition of company on March first.....	3064
inspection of.....	3022	statement of gross receipts to be filed in January and July... ..	3065
certificate of inspector of, shown by seller, exporter, &c.....	3035	chapter on, not applicable to certain associations.....	3063
penalty on muster, &c., receiving without inspection.....	3036	contracts entered into otherwise than chapter entitled Insurance permits, not enforceable.....	3061
re-inspected, if not exported in sixty days.....	3033	deposit to be kept up.....	3071
naval stores, inspectors of gauge spirits of turpentine.....	3031	how withdrawn.....	3073
provisions and forage, inspectors.....	3051	fire, judgment against, how enforceable against deposit.....	3071
board.....	3053	applicable to what judgments.....	3072
duties, deputies, &c.....	3052	license to be issued by secretary of state; conditions.....	3062
penalty to sell uninspected.....	3054	secretary of state to examine annual statement and publish abstracts.....	3066
rice, how inspected, &c.....	3021, 3024	book, &c., to be examined and demanded; refusal of agents, &c., misdemeanor... ..	3068
shingles, board, &c., to be culled.....	3044	license may be revoked by, if statements be untrue or not made.....	3067
inspector must not buy cullings.....	3045	penalty on companies collected by... ..	3078, 3079
of what size.....	3038	reports of, to file, and abstracts to furnish clerks of superior court.....	3069
tar, pitch and turpentine, barrels of, branded, &c.....	3029	statement of taxes received monthly from, to furnish auditor.....	3070
size, &c.....	3028	unlawful to engage in, unless licensed.....	3061
makers of, brand with their initials, &c... ..	3030	violation of chapter, entitled Insurance, penalty.....	3078
barrels of, re-inspected if not exported within sixty days.....	3033		
tar sold by weight, penalty.....	3032		
turpentine, how and by whom gauged... ..	3031		
water not a fraudulent mixture in tar, &c., ..	3028		
tobacco, branding hogshead of, falsely.....	2994		
condemned, re-inspected.....	2992		
inspectors of, duty.....	2990		
for Fayetteville.....	3000		
pickers.....	2983		
turners-up of, warehouses, &c.....	2983		
attend at place, &c., appointed.....	2985		
inspectors of, cannot buy... ..	2999		

Interest,	SECTION	Justices of the Peace—Continued.	SECTION
legal rate of.....	3835	report proceedings for removal of insane, to	
charging greater rate; penalty	3836	clerk of superior court	2257, 2275
See Index of Vol. I.		Land,	
Interpretation,		acre of, what measure.....	3843
of statutes, words, &c.....	2490, 3763, 3766, 3827	back taxes to be collected on unlisted.....	3679
Jail,		entry, what land subject to; covered by	
destroyed, prisoner sent to adjoining county.	3457	water, marsh, &c.....	2751
expenses for guarding to be paid by county..	3402	how sold for taxes	3691
prisoners to pay charges of	3461	how offered for sale for.....	3696
no, sheriff, constable, &c., empowered to		sold for taxes, may be redeemed in twelve	
commit to adjoining county until bail		months.....	3695
given	3459	delinquent failing to redeem, sheriff to ex-	
no, or being unfit or unsafe, courts may com-		ecute deed to purchaser.....	3696
mit criminals to an adjoining county	3458	purchased by county, to be sold if not re-	
Jailers,		deemed	3697
to cleanse jail and furnish diet and clothing		vacant houses of worship on, belonging to	
to prisoners.....	3464, 3465	society erecting	3666
fees of.....	3746	yearly value of, held by religious society....	3667
penalty on, for injuring prisoners	3463	Land scrip,	
receive and keep prisoners of the United		certificate of indebtedness for proceeds of	
States, fees, penalty for refusing.....	3456	land scrip issued to university	2636
wantou confinement of prisoner by, a mis-		transferred to university.....	2631
demeanor.....	3471	conditions of transfer.....	2637
Judge,		Lard	3023
duty of, on removal of insane out of state ..	2276	Laws,	
salary of	3733, 3734	number of copies printed; how bound; how	
Judge advocate,	3191	distributed.....	3632, 3633, 3640, 3641
See <i>Militia</i> .		transmitted by secretary of state to clerks,	
Judgment,		judges and solicitors.....	3640
against fire insurance companies, how en-		Lay days,	
forceable against deposit.	3071	for fishing established in Pamlico and Tar	
applicable to what.....	3072	river.....	3415
in favor of banks, paid off in bank notes ex-		Leap year,	
cept when sealed, or contracted since		how counted.....	(4) 3765
May 1st, 1865	2287	Lessor,	
tax list to have same force as.....	3681	of mines, not partner with lessee unless by	
Jurors,		contract	3292
exempts	1723, 2269, 2580, 3281	Librarian,	
fees of.....	2803, 3747	how appointed; term of office, salary; du-	
Jury,		ties	3604, 3605, 3618
officers and employees of insane asylums,		certain libraries furnished with documents	
exempt from service on	2269	by	3618
school committee exempt from	2580	librarian of senate and house.....	3618
state guard exempt from service on.....	3281	servant allowed to	3732
Justices of the Peace,		shelves, &c., for the preservation of books,	
on affidavit of owner, two to grant certifi-		documents, &c., provided	3617
cate allowing cattle, &c., to be driven		of supreme court, how appointed; salary....	3606
from one part of state to another part...	2321	Library,	
consideration of debt contracted during the		SENATE AND HOUSE,	
war may be shown.....	2497	of documents established for each house	3602
fees of.....	3748	locked except during session of general as-	
fees of witnesses before; how many subpoe-		sembly	3605
naed.....	3756		
furnish facts to county commissioners for cir-		STATE,	
cular of board of charities; penalty.....	2340, 2341	annual appropriation for.....	3608
jurisdiction of, over penalty imposed under		books in, how labeled.....	3614
chapter entitled Insurance.....	3078	colleges to be furnished by secretary of state	
jurisdiction of, over contracts made during		with reports of supreme court, acts and	
war	2498	journals of general assembly	3619
list of, kept by secretary of state, &c.....	3643	governor of state to designate laws, docu-	
rangers <i>ex officio</i>	3767	ments, &c., to be preserved, bound, &c. ..	3614

- Library**—Continued. SECTION
- open, when..... 3605
 - penalty for injuring books..... 3615
 - trustees for, who constitute; control the fund devoted to..... 3612
 - trustees of, may procure and cause to be published for sale certain colonial records, 3609, 3610, 3611
- SUPREME COURT,
- justices are trustees of; their powers and duties..... 3606
 - tax on attorneys licensed to practice, for benefit of..... 3613
- License,**
- to engage in trade, &c., how obtained, &c... 3702
 - penalty for practicing a trade, &c., without. 3704
 - to practice dentistry..... 3148, 3151
 - pharmacy..... 3137-3140
 - medicine..... 3122
 - retail liquor dealer, how to obtain..... 3701
 - to be recorded by register of deeds and sent to auditor..... 3703
- Liens,**
- person having lien on land may pay taxes; sum paid, preferred lien..... 3700
 - of taxes attaches to property on 1st of June, 3682, 3683
- Light-houses,**
- U. S. may purchase lands for; no tract to contain more than twenty acres..... 3050
 - conditions of consent..... 3084
 - deeds to be registered..... 3081
 - exempt from taxation..... 3082
 - process may be executed on lands..... 3083
 - vessels not to anchor in range of lights of.... 3086
- Limited partnerships,**
- actions, how conducted..... 3101
 - affidavits of publication filed..... 3097
 - alterations in names, &c., work a dissolution..... 3099
 - certificate signed; what to contain..... 3090
 - acknowledged and registered..... 3091
 - where..... 3092
 - certificate, affidavit essential with..... 3094
 - effect of false statement..... 3095
 - of renewal..... 3098
 - clerk's and register's fees..... 3100
 - name of firm, what to be..... 3100
 - oath made of the sums contributed..... 3093
 - partnership formed..... 3088
 - liable to account with each other..... 3105
 - dissolved, how..... 3108
 - effect of fraud..... 3101
 - of bankruptcy..... 3107
- special partners, general can unite with.... 3089
- terms published..... 3096
 - examine business..... 3104
 - stock not withdrawn..... 3102
 - returned when..... 3103
 - renewals and continuances, certified..... 3098
- Liquors,** SECTION
- on day of election, not to be sold or given away..... 2740
 - forbidden to be sold within penitentiary enclosure..... 3440
 - not to be sold within a mile of divine service..... 3671
 - not to be sold in four miles of university, 2640-2642
 - retail dealers of, how to obtain license..... 3701
 - See *Local Option*.
- Literary fund,**
See *Education*.
- Live stock,**
See *Cattle*.
- Local assessment in aid of public schools..... 2594-2600**
See *Schools, Public*.
- Local option,**
- election held on question of liquor or no liquor..... 3113
 - effect of..... 3116
 - effect of local..... 3117
 - election, qualified electors entitled to vote at rules for..... 3114
 - duty of commissioners..... 3118
 - local prohibitory laws not passed without notice..... 3111
 - manufacture of domestic wines encouraged. 3110
 - prohibition in certain places, decided by vote of the people..... 3112
- Lumber,**
- how inspected..... 3020-3043
- Lumber river,**
- unlawful to catch fish in any way except by rod, hook and line, between March 1st and November 1st..... 3404
- Mad dogs,**
See *Dogs*.
- Master,**
- person enticing servants from, may be sued. 3119
 - penalty, misdemeanor..... 3120
 - servant unlawfully leaving, may be sued; penalty..... 3119, 3120
 - of vessel injuring seines or nets; penalty.... 3385
 - receiving articles without inspection, &c... 3036
- Mayor,**
- authorized to enforce the collection of fines and penalties..... 3806
 - authority of court of, appeal therefrom.... 3819
 - criminal jurisdiction of..... 3818
 - election of; tie vote, how decided; term of office; vacancy; duties..... 3794
 - oath..... 3798
 - list of taxables, &c., taken by..... 3807
- Measures..... 3837-3850**
See *Weights*.
- Meats,**
- inspection of..... 3022
 - inspectors of..... 3023, 3021, 3023
 - weight of barrel of..... 3022

Medical society,	SECTION
board of medical examiners constituted.....	3123
appointed how.....	3126
duty of.....	3124
assemble where and when.....	3127
compensation of.....	3131
license fee to be collected by.....	3130
license may be rescinded by.....	3133
license may be granted by, temporarily, how.....	3125
officers of.....	3138
person practicing without license from....	3132
secretary of, to give bond.....	3134
incorporated; name.....	3121
medicine, who may practice.....	3122
Militia,	
adjutant-general, appointed by governor, bond.....	3160
adjutant of regiment, duties of.....	3210
aids-de-camp appointed by governor.....	3172
captains to make returns.....	3183
district, how laid off, &c.....	3178
cavalry, who commissioned in.....	3212
fines, same as infantry.....	3208
how appointed.....	3209
certain sections of chapter on Militia, to apply to.....	3211
regiments of, formed, equipped, &c.....	3204
muster and make returns; when mustering with infantry, who to command.....	3205
reviews of, to be made by field officers....	3206
commandant of regiments, to give notice of review.....	3186
composed of whom.....	3157
courts-martial, of cavalry to be held how....	3207
of company, proceedings in.....	3180
appoint a judge advocate; oath.....	3191
oath of officers holding ..	3193
proceedings; may adjourn.....	3194, 3195
detachments of, to be provided with arms, when.....	3259
discipline, rules of.....	3177
divided, how.....	3158
divisions into brigades, &c.....	3170
equipped how, forfeiture for neglect.....	3108
exemptions.....	2269, 3157, 3164-3166
exempts to be returned.....	3167
families of citizens absent on service in, sup- ported by county.....	3546
fines remitted by governor.....	3208
generals to make returns.....	3190
penalty.....	3200
duty of, as to reviews.....	3198
penalty for failing.....	3200
governed how.....	3159
infantry, how divided.....	3169
infantry officers, how graded and appointed	3171
musicians of company, how appointed, &c..	3181
musters, regulation of.....	3179
of regiment or battalion..	3184
oath taken by officers.....	3162

Militia—Continued.	SECTION
officers and employees of insane asylums, ex- empt from.....	2260
officers of, to demand public arms from per- sons not entitled.....	3558
appointed and commissioned, how.....	3161
to deliver money to successors.....	3176
failing to attend musters, &c., penalty....	3185
to give notice of absence.....	3175
hold three years; how equipped, penalty..	3174
to make a record of public arms received by them, &c.....	3554
not deprived of commission without trial..	3200
of regiments to drill before review, &c., penalty.....	3185
orders or returns, sent through post office..	3202
pay-masters, duty and bond of.....	3192
penalties for misbehavior.....	3188
pensions allowed persons, or their widows, &c., for service in, how obtained... 3472-3479	
persons attending muster, exempt from ar- rest, &c.....	3190
return of fines to be made; penalty.....	3196, 3197
road hands not ordered out on muster days.	3182
uniform of officers.....	3173
white and colored separate.....	3163
See <i>State Guard, Volunteer Companies.</i>	
Miller,	
to observe inspection laws relating to flour..	3007
Mills,	
owners of, to maintain slopes in certain cases.....	3713
penalty for failure.....	3714
Mines,	
conveyance of water for mining purposes, application made to clerk of superior court.....	3298
petition, character of.....	3294
damages assessed, how.....	3295
registration of assessment.....	3298
oath of appraisers.....	3296
right of applicant.....	3297
compensation of appraiser.....	3299, 3300
lessors of mines not partners with lessees, unless so contracted.....	3292
obstruction of drains, a misdemeanor.....	3201
Municipal elections.....	2680, 2739, 3787-3795
See <i>Elections.</i>	
Naturalization.	
See Appendix, p. 732.	
Naval stores,	
inspection of.....	3031
Navigable waters,	
penalty for erecting dams and other obstruc- tions in rivers and creeks, preventing passage of fish, &c.....	3288
penalty for setting nets across.....	3287
Navigation,	
commissioners of, powers and duties..	3480-
3485, 3488, 3496, 3509-3512, 3515, 3526-3528,	
3532, 3533, 3537	

Navigation—Continued.	SECTION	Oaths—Continued.	SECTION
commissioners of, may appoint harbor master and health officer and enact by-laws.....	2905	attorney at law.....	(2) 3315
See <i>Pilotage</i> .		attorney-general.....	(3) 3315
Negligence,		auditor.....	(4) 3315
what evidence of, by railroad killing cattle,	2326, 2329	book debt oath.....	(5) 3315
Net,		book debt oath of administrator.....	(6) 3315
direction to be set in Pamlico sound.....	3381	clerk of supreme court.....	(7) 3315
drag, penalty for using in Pamlico and Roanoke sounds and other waters..	3375, 3376	clerk of superior court.....	(8) 3315
drift, use of, prohibited in certain waters; proviso as to people of Dare.....	3396	commissioners for year's allowance.....	(9) 3315
dutch, prohibited in Roanoke, Cashie and Middle rivers.....	3383	dividing real estate..	(10) 3315
prohibited in the waters of Neuse and Trent rivers and their tributaries	3397	of wrecks.....	(11) 3315
unlawful to use, in the waters of Carteret county	3420	constable.....	(12) 3315
penalty for setting across navigable streams.	3357	county attorney.....	(3) 3315
unlawful to fish with, in waters of Pamlico or Tar rivers; or to place any obstructions to passage of fish.....	3417	entry-taker.....	(13) 3315
Net stakes,		executor.....	(14) 3315
fishermen required to remove, in certain sounds in thirty days.....	3414	finance committee.....	(15) 3315
Non-residents,		grand jury, foreman of	(19) 3315
not allowed to use drag nets or other instruments for catching terrapins or oysters..	3376	jurors.....	(20) 3315
forbidden to fish for profit in waters of state; sales, &c.....	3379	jury, officer of.....	(21) 3315
tax on bank stock of.....	3676	inspector of flour.....	(16) 3315
North Carolina agricultural society,		of tobacco	(17) 3315
See <i>Agriculture. Geology</i> .		of other articles.....	(18) 3315
Notaries,		judge of superior court.....	(29) 3315
appointed by governor; qualified how.....	3304	jury, officer of	(22) 3315
fees of.....	3308, 3749	in capital cases.....	(23) 3315
clerks act as, and certify under seal of office.	3306	in criminal actions, not capital ..	(24) 3315
commission issued to, certificate filed with clerk.....	3305	in civil actions.....	(25) 3315
duties and powers of.....	3307	laying off roads, &c.....	(27) 3315
Nuisances,		laying off dower.....	(26) 3315
abatement of, proviso	2884	justice of supreme court.....	(28) 3315
of, by towu commissioners.....	3892	justice of the peace.....	(30) 3315
what deemed, in seaports.....	2907	proessioner.....	(31) 3315
abatement.....	2908	ranger.....	(32) 3315
Oaths,		register of deeds.....	(33) 3315
administered, how and to whom.....	3529	secretary of state.....	(34) 3315
deputies may administer in like cases as principal	3316	sheriff.....	(35) 3315
of insolvent debtors	2954, 2972	solicitor.....	(3) 3315
officers to take oath to support constitution of U. S. and state.....	3312, 3313	standard keeper.....	(36) 3315
persons scrupulous of laying hands on the scripture, how sworn.....	3310	stray valuers.....	(37) 3315
presiding officers of general assembly and committees may administer.....	2855, 2856	surveyor of county	(13) 3315
quakers, &c., to make affirmation, how.....	3311	tobacco picker.....	(30) 3315
surveyor or deputy may administer in certain cases.....	3311	treasurer of state	(40) 3315
		treasurer of county.....	(41) 3315
OF PARTICULAR PERSONS,		witness before grand jury.....	(42) 3315
administrator.....	(1) 3315	in capital trial.....	(43) 3315
		in criminal action.....	(44) 3315
		in civil action.....	(45) 3315
		to prove a will.....	(46) 3315
		of officer not specified.....	(47) 3315
		Obstruction,	
		of boats by felling trees, &c., a misdemeanor.....	3711
		Offal,	
		fish not to be cast into navigable waters, &c.	3386
		Office,	
		term of, of justice of supreme court, judges and solicitors, when to begin	2731
		Officers,	
		certain, fees of; by whom and how paid.....	3758, 3759
		how collected.....	3760
		STATE,	
		classification.....	3317

Officers—Continued.	SECTION
costs of civil actions by or against, to be paid by state on advice of attorney-general...	3373
executive, civil and military.....	3319
executive allowed suitable blank books, forms, &c.....	3646
legislative, classified.....	3318
Overseer,	
leaving employer, to forfeit wages.....	3374
of paupers, how appointed.....	3540
of streams, how appointed; duties; subject to same penalties as overseers of roads,	3707, 3709
Oysters,	
laws prohibiting the carrying of, from state for sale by citizens, repealed.....	3426
misdemeanor to take live oysters from waters to be burned into lime or to commit any offence created by chapter on oysters, &c.....	3389
resident may make beds for, when licensed by clerk of superior court.....	3390, 3391
unlawful to take, from Myrtle Grove sound, when.....	3423
what tongs, &c., may be used for catching, in Pamlico sound, non-resident....	3375, 3376
Pamlico sound,	
direction nets to be set in	3381
penalty for using drag nets in, to catch terrapins or using instruments except tongs for oysters; exception.....	3375
non-residents.....	3376
Pardon,	
petition for, contents.....	3336
register of, to be kept by governor and preserved.....	(1) 3322, 3323
Partners,	
<i>See Limited Partnership.</i>	
Partnership,	
<i>See Limited Partnership.</i>	
Partridges,	
unlawful to export, or to take or destroy their eggs.....	2835, 2836
Patent, letters,	
action by attorney-general, when and how to vacate.....	2788
persons aggrieved by the issuing of, how to proceed.....	2786
judgment in such cases.....	2787
Paupers,	
chargeable to county to be maintained at poor houses, &c.....	3541, 3542
county commissioners shall provide support of, and cause removal of, to county of last settlement.....	3540
county commissioners refusing to receive and provide for, forfeit \$40, &c.....	3545
estate of, may be sold by county commissioners for maintenance.....	3547
families of militiamen in service, when supported as.....	3546
not hired out at auction.....	3542

Paupers—Continued.	SECTION
housekeepers entertaining, to notify county commissioners, or forfeit \$10.....	3545
overseers of, how appointed.....	3540
removed to their settlements unless sick or disabled; charges of removal to be paid by county of settlement.....	3545
settlements, how acquired.....	3544
suing, need not pay fees.....	3758
supported in poor-houses.....	3543
Penitentiary,	
child of convict, born in, how provided for..	3447
directors of, to adopt rules for enforcing discipline; rules to be posted in cells and read to every convict.....	3444
to control; number; term of office; compensation.....	3427
to arrange for transporting convicts from place of conviction to place of work. ...	3428
may hire out convicts to railroads, &c.; guard provided by party hiring; bond given.....	3433
may hire out convicts to county and municipal authorities.....	3450
make use of labor of convicts so as to lessen public expense.....	3431
to provide divine service, &c., for convicts, required to hire to county and municipal authorities in certain cases; expenses of such convicts, how paid; penalty for permitting escapes ..	3450
hire of such convicts, when and how paid; penalty for failing to pay.....	3451
infraction of rules of, to be recorded in a book; rewards to convicts on account of good behavior, &c.....	3445
agents who superintend the construction of streets and highways removed...	3452
lands for building of, condemned.....	3430
liquors forbidden to be sold in.....	3440
unlawful for directors to furnish supplies, or materials for budding, or for support of convicts, &c.....	3429
Pensions,	
allowed persons disabled in militia service and their widows and orphans, how obtained.....	3472
artificial limbs and commutation in money allowed disabled confederate soldiers in lieu of... ..	3473
in lieu of, county commissioners authorized to levy taxes for relief of disabled confederate soldiers.....	3475
disabled confederate soldiers allowed \$120 per annum.....	3476-3479
Perjury,	
Corruptly taking oath prescribed for voters; penalty.....	2710
insolvent debtors swearing falsely, guilty of, of witnesses before legislative committee....	2857
before courts-martial.....	3235

Pharmaceutical society,	SECTION	Pilotage—Continued.	SECTION
board of pharmacy appointed, duties,	2140, 3141, 3146	when vessel detained.....	3183, 3495
examination fees, meetings, oath, officers,		for Edenton, Washington, New-Berne, &c.	3524
quorum, vacancies, &c.....	3140, 3141, 3146	for Old Topsail inlet.....	3530, 3531, 3534
drugs, adulteration of, a misdemeanor....	3142	for Bogue inlet.....	3535
compounding of, by unregistered person,		when altered, notice to be given.....	3497
misdemeanor.....	3145	certain rates not altered.....	3508
poisonous, unlawful to sell without label,		none on vessels under sixty tons, exceptions	3523
entry, &c.....	3143	vessel of sixty tons coming into Cape Fear	
quality of, dispenser responsible for.....	3142	river for coal exempt from, if flag hoisted,	
incorporation, a body corporate, name, &c....	3135	&c., penalty for falsely hoisting	
incorporation, objects of.....	3136	flag.....	3506
membership, fee for.....	3138-3142	warrant for, may be issued by commis-	
licentiates in pharmacy.....	3139	sioners, &c., jurisdiction not to exceed	
practical experience, &c.....	3139	\$60, &c.....	3401
qualification for.....	3138	Pilots,	
penalties, how recovered.....	3147	appointed in Cape Fear river; number in	
pharmacy, unlawful for other than regis-		commission not to exceed forty-five....	3184
tered one to conduct.....	3137	apprentices to be kept by.....	3500
poisons, person must know its nature, label,		when, not to act as.....	3494
entry, &c.....	3143	bond to be given by.....	3487, 3513, 3516
practitioner, business of, who does not keep		branches, to whom granted.....	3514
open shop, not molested.....	3144	commissioners may cancel license of; ab-	
secretary of board, duties, salary, &c.....	3141	sent for six months, pilot to surrender	
Physician,		branch.....	3490
licensed, how.....	3124, 3125	commissioners, powers of, of Carteret and	
fee for.....	3130	Onslow counties; of Topsail, Bogue in-	
license may be rescinded.....	3133	let and others.....	3515
port, appointed.....	2896, 2913-2922	disputes between masters of vessels and	
practicing without license, penalty.....	3132	pilots; warrant for pilotage; forfeiture,	
who may practice as.....	3122	&c., issued by a commissioner who may	
Pilotage,		summon witnesses and administer oaths;	
commissioners of, may appoint harbor mas-		jurisdiction.....	3491
ters and clerks.....	3525	stay of judgment not allowed; appeal....	3492
for Cape Fear river; appointed by mayor,		entitled to penalty of \$10, from coal vessel	
&c., of Wilmington.....	3489	not hoisting flag, &c.....	3507
how styled; clerk; how appointed, vacan-		examination of, &c., at Hatteras and Ocr-	
cies.....	3481	coke inlets; expiration of branch of....	3512
for New-Berne and Edenton appointed year-		fees of, to be annexed to their commissions..	3536
ly; mode of appointment; vacancies;		fees, one-third, when paid to.....	3503
powers.....	3509, 3510	fees paid to, when vessels deepened or light-	
for Washington, appointed yearly; how...	3509	ened.....	3504
a body corporate; name and powers; may		to have telescope or spyglass....	3517
purchase lands and erect houses for re-		licenses, what kind and when granted..	3485, 3486
ceiving persons in quarantine, employ		master of vessel excused from taking, when.	3496
physicians, &c.....	3511	number of, how regulated.....	3489
for Hatteras inlet; for Ocracoke inlet;		for Cape Fear river.....	3484
duties; officers of boards; vacancies;		number of decked boats prescribed for....	3498
journal and oath of office, &c.....	3512	pay of, when detained by vessel and when	
for Carteret and Onslow; for Topsail and		vessel driven off coast after boarding....	3520
Bogue inlets, &c.; vacancies; powers...	3515	penalties and fines collected under chapter	
for Beaufort and Morehead City; how		made ..	3539
elected.....	3526	penalty on, for not attending on vessel, when	
powers, &c.....	3527	requested.....	3501
how far authorized to extend.....	3528	for not giving information of unlawful	
powers.....	3532	acts.....	3538
oath.....	3533	for acting as, without license.....	3519
boards of, to designate where ballast, &c.,		for neglecting to go to a vessel having a	
may be cast, penalty for throwing bal-		signal, &c.....	3521
last, &c., into navigable water, &c.....	3537	permission may be granted to run regularly	
rates of, fixed by commissioners of naviga-		on steamers.....	3484
tion.....	3453		

	SECTION
Pilots —Continued.	
refused by master of vessel entitled to full pilotage when.....	3502, 3505, 3522
removable for misbehavior; penalty, for acting afterwards, notices.....	3518
rights of, as to main and new inlet bars of Cape Fear.....	3499
station of, regulated by commissioners.....	3483
<i>See Quarantine.</i>	
Pitch	3038, 3030, 3033, 3037
<i>See Tar.</i>	
Pod nets,	
prohibited in Cashie, Middle and Roanoke rivers	3383
prohibited in the waters of Neuse and Trent rivers, &c.....	3397
Poisons,	
sold and labeled bow.....	3137, 3143, 3145
Policemen,	
appointed for railroad companies.....	1988-1993
may execute criminal process.....	3811
Polling places,	
established and discontinued by county commissioners.....	2671
Polls,	
when opened and closed.....	2685
Poor	3540-3547
<i>See Pauper.</i>	
Pork	2983, 2985, 3021-3023
Posting lands,	
advertisement for bidding hunting thereon...	2831
forbidding entry.....	2831
notices to be posted in stock law territory; misdemeanor to tear down or mutilate..	2830
Printer, state,	
bond of, &c.....	3621
to call on secretary of state daily during session of general assembly for acts, &c....	3629
clerks of general assembly to hasten preparation of journals for.....	3627
paper and copies of statutes, &c., to be furnished by secretary of state.....	3625, 3626
public laws and documents delivered to secretary of state within ninety days after adjournment of general assembly..	3639
public laws and private acts or resolutions in printed volume.....	3631
rates allowed for binding.....	3634
work to be done with expedition.....	3630
Printing, state,	
account for, not to be audited until approved by two practical printers, penalty.....	3623
bills for, to be charged and audited, how....	3622
bulb, &c., of general assembly, in what manner printed.....	3644
binding and printing to be done speedily....	3638
blank books and forms for state office; number; rates.....	3646
contract for; rates.....	3630
distribution and printing of laws, documents, journals, &c.....	3634-3638, 3640
Prison bounds,	
county commissioners, to lay off; prisoner to give bond to keep within.....	3466

	SECTION
Prison bounds —Continued.	
debtor excluded from, on breach of bond; in case of imprisonment on a final process, bond deemed a judgment.....	3469
Prisoner,	
bond of, in civil or criminal actions, how enforced.....	3467, 3468
confined in proper apartments; penalty for wanton confinement.....	3471
county commissioners to lay out prison bounds for benefit of.....	3466
diet and clothing to be furnished to, by jailer.....	3464, 3465
escaping, guilty of a misdemeanor.....	3455
expenses for guarding and removing to be paid by what county.....	3462
may buy necessaries; penalty on jailer for injuring.....	3463
pays jail charges, &c.....	3461
transferred how, to sheriff's successor.....	3470
Private secretary,	
appointed by governor.....	3336
salary.....	3721
Process,	
clerk of court, to furnish blank forms of....	3761
policeman may execute criminal.....	3811
town constable, authorized to serve.....	3810
Processioner,	
fees of.....	5754
Property,	
meaning of....	(6) 3765
personal, sold for taxes before real.....	3688
real, sold for taxes.....	3691
Provisions,	
inspections of.....	3051-3054
Public arms	3548-3561
<i>See Arms.</i>	
Public buildings and grounds,	
<i>See Capitol.</i>	
Public charities,	
duties of board of, as to asylums.....	2271
Public debt	3563-3599
<i>See Debt.</i>	
Public documents	3600-3603
Public libraries	3604-3619
<i>See Library.</i>	
Public lots,	
<i>See Capitol.</i>	
Public printing	3620-3646
<i>See Printing.</i>	
Quarantine,	
commissioners of navigation, to appoint health officer.	2905, 2906
of navigation, &c., of Washington may purchase lands and erect houses for receiving persons in.....	8511
abate nuisances in seaports.....	2907
drain lots in seaports.....	2908
contagion, police provide against.....	2909
crew or passengers must not break.....	2897, 2899
directed by whom.....	2893
hospitals established by commissioners of county or towns....	2910, 2911

- Quarantine**—Continued. SECTION
- medical officer of, establishes..... 2915
- patient cared for in, pays a fee..... 2916
- in land..... 2883
- officer of, appointed; compensation..... 2921
- regulations, &c..... 2913
- boat and crew furnished to..... 2914, 2922
- issues warrant for arrest, &c..... 2920
- penalties of, how recovered and applied..... 2908, 2919
- physician appointed..... 2896
- station established at mouth of Cape Fear... 2912
- vessel in, affidavit of health required..... 2901
- articles landed from, &c..... 2900
- cannot come in port without permission, 2894, 2895
- certificate to bring in..... 2904
- fee paid by..... 2916
- from infected place anchors at quarantine..... 2894
- going on board of, without leave, cannot leave..... 2898
- health of, reported..... 2893
- liable to inspection..... 2916
- plots carry, to visiting station..... 2917
- provisions, &c., furnished, &c..... 2902
- See *Health*.
- Railroad,**
- killing of live stock by, *prima facie* evidence of negligence in action or indictment in certain counties..... 2326, 2329
- North Carolina, construction bonds of, &c., compromise authorized..... 3588-3599
- See Vol. I, *Crimes, Railroads*.
- Raleigh,**
- aldermen of, to ornament Moore and Nash squares; other vacant lots to improve... 2314
- free access to squares allowed..... 2315
- Rangers,**
- fees of..... 3750
- register of deeds and justices of the peace *ex officio* rangers; duties and powers; fees, 3767, 3775-3778, 3780
- Recognizance,**
- bond in criminal actions to be returned to court and deemed a recognizance..... 3467
- how collected on breach..... 3467
- Redemption,**
- of land sold for taxes..... 3695-3697, 3699
- Register of Deeds,**
- alphabetical files of original deeds, &c., kept by..... 3661
- attendance of, at office may be fixed by county commissioners..... 3551
- bond of..... 3648
- clerk to hand over deeds and pay fees to... 3652
- penalty on clerk for failure..... 3653
- day of presentation endorsed by, on deeds and mortgages; registered in order of time..... 3654
- deeds registered, in what time..... 3654
- ex officio*, entry-taker..... 2757
- ex officio*, clerk of county commissioners, &c. 3650
- fees of..... 3751
- Register of deeds**—Continued. SECTION
- indexes and cross indexes to be kept by 3653, 3664
- index of books ordered by county commissioners; compensation; new books and copies evidence as originals..... 3662
- neglect of duty; penalty..... 3653, 3659, 3660
- neglecting duty, may be required to pay expense of having work performed; bond liable for such default..... 3653
- notices by mail, &c., expense of, allowed to. 3657
- office, where kept..... 3650
- punished for violating election law.... 2707, 2749
- qualify, when and before whom..... 3647
- rangers, *ex officio*..... 3767
- record of licenses to practice trade, &c.: kept by; to send certified copies to auditor; penalty for non-performance..... 3703
- registration books deposited with, after election..... 2686
- tax lists made out by..... 3658
- vacancy in office of, how filled..... 3649
- Registrar,**
- appointed by county commissioners..... 2674
- not eligible, if candidate..... 2674
- compensation of..... 2724
- duties of..... 2675, 2677, 2678
- punished for violating election law, 2707, 2708, 2749
- Registration,**
- books of, to be furnished by county commissioners in certain cases..... 2673
- books of, furnished by secretary of state... 2672
- deposited with register of deeds after election..... 2686
- of voters at municipal elections..... 3755
- Religious societies,**
- chapter entitled..... 3665-3672
- donations to, to vest in them or their trustees 3665
- lands owned by, subject to taxation..... 3667
- lands exempt..... 3667
- owners of houses of worship erected on vacant lands..... 3666
- penalties for offences against, to be for use of the poor; how recovered..... 3673
- trustees appointed by, to hold their property; yearly value of lands, a church or society may hold..... 3667
- of, may sue and be sued; accountable for their actions, &c., removable..... 3668
- See *Worship*.
- Remainderman,**
- when estate of tenant forfeited to; right to redeem land sold for taxes..... 3699
- Removal of causes to federal courts,**
- See *Appendix*, p. 745.
- Repeal,**
- by the code, of laws, and effect of..... 3867-3873
- of all laws prohibiting the carrying by citizens of oysters from state for sale..... 3196
- of laws exempting corporate property from taxation..... 3677
- of statutes, what not to affect..... 3764, 3766
- Revenue and taxation..... 3674-3705**
- See *Taxation, Taxes*.

Rice,	SECTION
inspection and inspectors of	3021, 3024
Rivers	3706-3719
<i>See Streams.</i>	
Roads,	
officers and employees of insane asylum, exempt from working.....	2269
school committees exempt from working....	2580
turnpike from Plymouth to Pungo river....	2518
Robbery,	
of gill nets, or fish weir, in Pamlico or Tar rivers, unlawful... ..	3418, 3419
Salaries,	
adjutant-general.....	3730
attorney-general.....	3728
auditor.....	3726
clerk of asylum boards	2270
of superintendent of public instructions....	2593
of supreme court.....	3738
deduction made from, of judges of superior court, unless certificate of attendance produced.....	3735
governor.....	3720
inspectors of tobacco.....	2983
janitor of capitol.....	3732
judges of superior court	3734, 3735
justices of supreme court.....	3733
librarian.....	3604
librarian of supreme court	3606
night watchman at capitol	3732
of officers of state payable quarterly; of clerks, &c., monthly.....	3731
private secretary of governor.....	3721
secretary of state	3724
servants to various state officers	3732
solicitors	3736, 3737
standard keeper of the state.....	3845
superintendent of public instruction.....	2542, 3727
treasurer of state	3723
Salvage,	
who entitled to, and who not.....	3854, 3857, 3859
Scale of confederate currency,	
applicable to what contracts.....	2495
established	2495
at what time to apply.....	2496
Schools,	
GRADED.	
additional tax for educational purposes au- thorized	2602
appropriation for; statement of, furnished annually to school commissioners.....	2661
certain townships chapter not applicable to.	2657
commissioners of, how elected; notice of election given.....	2659
with mayor to constitute board of manage- ment; fine for failure of duty.....	2660
clerk of corporation to be clerk of	2664
may hold and dispose of real and personal property in trust.....	2667
enumeration of children to be made, and by whom	2665
establishment of.....	2654
tax, when levied for.....	2655

Schools—Continued.	SECTION
principal of, his salary.....	2656
quarterly statement of condition of, to be made by school commissioners to town or city authorities.....	2666
sense of voters as to establishing, how taken and by whom.....	2658
treasurer of corporation to be treasurer of..	2663

MILITARY.

public arms allowed to, when.....	3291, 3560, 3561
-----------------------------------	------------------

NORMAL.

additional, for whites may be established by state board of education, appropriation for	2652
for colored persons, may be established by state board.....	2651
additional for, established by state board; appropriation.....	2652
established in connection with university....	2650
appropriation.....	2650
persons educated at, to teach in state for not less than three years.....	2653

PUBLIC.

auditor to keep separate accounts of.....	2536
books used in, not to be sectarian or political, to be recommended and prescribed by state board.....	2539
committee of, a body corporate, name of....	2578
meeting and organization.....	2577
census of children to be annually taken and reported to county superintendent; num- ber of school houses.....	2579
compensation, none; exempt from jury and working on road.....	2580
contracts may be made by, with teachers of private schools.....	2591
elected, by whom, and when; term; vacan- cies, how filled.....	2553
removed, how.....	2553
oath.....	2576
employ and dismiss teachers and fix their pay.....	2580
employ teachers when there is a vacancy in county superintendent.....	2548
funds apportioned to districts to be paid on order of.....	2551
funds apportioned for one race, not ex- pended on the other.....	2551
funds not expended by, shall remain to credit of race in district.....	2551
gifts for school purposes to be received by; to sell school property; original being first offered the same.....	2582
of, orders on county treasurer to be signed by.....	2555
school house sites to be purchased by, or condemned	2583
if purchased, to report to chairman and secretary of county board	2583
if condemned, what done.....	2683

Schools—Continued.	SECTION
COUNTY BOARD OF EDUCATION.	
composed of whom; officers.....	2545
duties.....	2546, 2547
meeting.....	2547
apportionment by, of school fund among districts.....	2551
basis of.....	2552
races and funds for, separate.....	2551
books not changed by, when.....	2539
failing to require county treasurer to strengthen bond if necessary, misdemeanor.....	2554
finer, &c., paid to.....	2678
lay off and number school districts.....	2549
races to be in separate districts; how designated.....	2550
requisition of county treasurer approved by secretary of; duties.....	2537, 2565
teachers' institute; appropriation for.....	2567
COUNTY SUPERINTENDENT.	
appointed by whom; term of office; qualifications; vacancies, how filled; suspended how.....	2548
blanks, distributed by.....	2570
catalogue of teachers to deliver to county board.....	2572
compensation of.....	2566, 2575
countersign orders on county board of education for payment of teachers.....	2555, 2571
for maps.....	2555
county institute to be under charge of... ..	2568
duties of.....	2569
to examine teachers.....	2566
grades of.....	2566
to suspend with concurrence of school committee.....	2569
report to state superintendent number, &c., of teachers, schools, &c.....	2573
to file with secretary of county board, and also to file with secretary census reports.....	2574
COUNTY TREASURER.	
accounts of apportionment of school funds among districts to be kept.....	2556
account of all moneys received by him; shall receive nothing but money in settlement with sheriff.....	2561
blank deeds furnished to school committees.....	2557
bond.....	2554
may be required to strengthen bond.....	2554
books of, to be examined by county board of education.....	2547
books, vouchers, &c., produced when required by board.....	2559
deeds for school house sites to be recorded by.....	2584
failure of, to make reports required, misdemeanor.....	2562
order for maps paid when.....	2555

Schools—Continued.	SECTION
for repairing and building school house paid when.....	2556
report annually to county board amount received and sources, for school purposes.....	2558
to superintendent of public instruction amount received and disbursed.....	2560
requisition on state board of education for school funds, to be made by.....	2537
sheriff to pay and take receipts of.....	2563, 2564
treasurer of county board of education.....	2545

MISCELLANEOUS.

disturbance of, misdemeanor.....	2592
finer for unlawfully practicing dentistry, paid to.....	3155
funds apportioned by whom and how.....	2535
for county how drawn from state treasury.....	2537
for county what makes up.....	2544
tax levied for.....	2589
what are public school funds, and when to be paid.....	2543, 2588
year when to begin.....	2587
laws for, to be published by superintendent of public instruction and distributed.....	2540
sites for houses of, orders for money, how drawn.....	2555
deeds for, what to contain.....	2555
power of school committee over.....	2582-2584
state superintendent. See Superintendent of Pub. Instruction.	
tax on articles of building and loan association to go to.....	2594
on dogs to go to.....	2592
for.....	2589
insufficient, county commissioners to levy tax; how collected.....	2590
treasurer of state to hold funds of as a special deposit; paid how and when.....	2575
local assessment in aid of.....	2594-2599
county superintendent, duty of, as to countersigning orders of school committee for payment of teachers.....	2607
treasurer, duty of, as to keeping accounts.....	2601
payment of teachers.....	2600
treasurer to make reports.....	2602, 2605
to submit books, &c. for examination.....	2603
treasurer, compensation of.....	2604
treasurer to receive and disburse the funds; liable on bond for the same.....	2598
election, petition for, when ordered; how held.....	2594
majority voting for, what done.....	2595
held how often.....	2596
public school houses may be used.....	2609
school committee to order payment of teachers.....	2599
orders how signed and countersigned.....	2600, 2608
sheriff, duty of, as to collecting and paying tax.....	2606
failure a misdemeanor.....	2606
bond of, liable.....	2606
tax subject to order of school committee, proviso.....	2599

Schools—Continued.

from whites applicable to white schools;
from colored to colored schools..... 2597
collected as other taxes 2595
not to exceed a certain per cent..... 2594
teachers, duty of, as to statements required. 2608

Seal,
courts of record, procured by governor..... 3328
departments of state procured by governor.. 3328
great, of state; design; impression filed by
governor with secretary of state... 3328, 3329
of lost grant may be renewed 2781
new, how provided; cost paid by treasurer
3331, 3332
of secretary of state; design..... 3330
state, may be put upon same paper more
than once, when..... 3333

Secretary of state,
accounts for labor, &c., about capitol, when
certified by..... 2310, 2311
for lawful expenditures, how allowed and
paid..... 3342
advertises for sealed proposals for stationery,
required for official use..... 3349
annual statement of insurance companies
examined by and abstracts published.... 3066
blank books furnished by, to state and county
officers..... 3343, 3346
blank forms of election returns transmitted
to registers of deeds..... 2704
blank forms for estimates of stationery furn-
ished to the several officers of state
government..... 3347
estimates received by auditor and treasurer. 3348
bond of..... 3338
duties of..... 3340
books of insurance companies to be inspected
by, refusal to allow, misdemeanor..... 3068
certificates of election, when, how and to
whom furnished..... 2729
charged with custody of statutes and other
public records..... 3337
copies of journals of general assembly daily
sent to..... 3028
copies of laws and reports sent to judges,
clerks, solicitors, &c..... 3040, 3041
deposits of insurance companies when or-
dered to be returned..... 3073
to have statutes, &c., bound and indexed... 3343
send same to proper person 3344
to have laws printed without delay..... 2869
license to insurance companies revoked if
statements are untrue, or not made.... 3067
license fee of insurance companies, to be col-
lected by: *pro rata*, when..... 3074
official documents, a bound set of, furnished
to N. Y. Historical Society..... 3001
office hours of..... 3339
original abstract obtained by, when election
returns not received in time..... 2726
penalties for violating chapter on insurance,
to be collected by..... 3078, 3079
public and private acts determined by..... 3031

Secretary of state—Continued.

SECTION

records of election returns kept by..... 2728
record of the names of all justices of the
peace, &c 3645
registration books furnished by..... 2672
reports of insurance companies to file; to
certify abstracts of statement, &c., to
clerks of superior court 3069
salary and fees of, clerical assistance... 3724, 3725
servant allowed..... 3732
stationery, lights and fuel purchased by, for
state offices, general assembly, &c..... 3341
statement of taxes from insurance com-
panies to furnish auditor monthly..... 3070
supernumerary laws, documents, &c., sold,
3642, 3643
supreme court reports, acts and journals of
general assembly, furnished to college
libraries..... 3619
supreme court reports may be republished
by..... 3634
vacancy in office of, at what election filled.. 2736

Seines,
to fish with dutch nets or seines in Pamlico
and Tar rivers, unlawful from Saturday
noon to Monday morning..... 3416, 3419
master of vessel wantonly injuring..... 3385
unlawful to use in waters of Carteret con-
nty..... 3420

Senate..... 2844-2874
See General Assembly.

Senatorial Districts..... 2844

Servant,
number allowed the various state depart-
ments; compensation..... 3732
See Master.

Set-off,
bank notes in an action by banks or their
assignees..... 2287

Settlement,
legal, how acquired by paupers, &c..... 3514
paupers to be removed to, &c..... 3545

Shad,
catching in Cape Fear river unlawful, when. 3403
to fish with seines or nets for, in Pamlico and
Tar rivers, &c..... 3415

Shares,
in building and loan associations, fixed by
whom..... 2292

Sheriff,
auctioneers to be licensed by, when..... 2281
collect taxes levied in aid of public schools,
as other taxes..... 2595, 2606
failure, penalty..... 2606
convicts, takes to penitentiary in what time. 3432
hired to county or town under control of, 3453
fearing escape of prisoner, how guard ob-
tained; compensation..... 3460
fees of..... 3732
fertilizers, to be seized by, when..... 2192
how to collect taxes; duties..... 3635, 3636
insane escaped, to take and return when.... 2261

Sheriff—Continued.	SECTION	Standard keeper—Continued.	SECTION
insolvent taxes, &c., allowed to, on settle- ment, when.....	3680, 3689		
prisoners, transferred by, to successor	3470		
punished for violating election law, 2701, 2703, 2707, 2708, 2745, 2749	3470		
returns of state officers to be made by; cer- tificates sent to speaker of representa- tives; failure, penalty.....	2703		
school moneys, to pay to county treasurer..	2563		
failure, penalty.....	2563		
school moneys, to take duplicate receipts for.....	2564		
sureties of, may collect taxes after his death,	3687		
wanton confinement of prisoners by, misde- meanor.....	3471		
Shingles,			
inspection of; size, &c.....	3038, 3039, 3044, 3045		
Slander,			
of woman.....	3763		
Slope,			
penalty for not making and keeping open ...	3388		
Sluice ways,			
for the protection of fish to be constructed in divers streams.....	3410, 3411		
Soldiers,			
certain confederate, allowed \$120 per annum; list to be certified to governor by clerk of superior court.....	3476-3479		
commutation in money, allowed when	3474		
county committee for relief of blind and maimed	3476		
governor empowered to make contracts for artificial limbs.....	3478		
pensions allowed to, when.....	3473-3479		
persons who lost their sight or limbs in the war to make proof of, before the com- mittee	3477		
taxes to be levied for relief of disabled con- federate, by county commissioners.....	3475		
Solicitors,			
action brought by, against trustees of private charities, when	2343		
action brought by, at suggestion of two citi- zens	3344		
fees of	2345		
salary and fees of ..	3736, 3737		
term of office begins, when.....	2731		
vacancy, at what election filled.....	2736		
Squares,			
Moore and Nash, improved by city of Ra- leigh	2314		
free access allowed to	2315		
Stakes,			
fishing, in Pamlico, Croatan, &c., sounds, re- moved by June.....	3382		
Standard keeper,			
COUNTY,			
by whom elected; oath and bond.....	3840		
weights and measures to be tested by, biennally, and certificate given; penalty....	3841		
destroys balances that cannot be adjusted..	3848		
Standard keeper—Continued.			
		STATE,	
appointed by governor; keeper of capitol to act in case of vacancy.....	3844		
compensation and duties.....	3839, 3845-3847		
fees of	3753		
State,			
not liable for support of convicts until deliv- ered at penitentiary	3458		
property, mortgaged to; foreclosure; sale; surplus how distributed.....	3352		
State debt	3562-3599		
See <i>Bonds, Debt.</i>			
State guard,			
adjutant general, books, duties and reports			
of.....	3275		
arms.....	3272		
inspection of.....	3278		
injury to.....	3274		
courts-martial	3280		
drills	3277		
parades.....	3276		
rules	3278		
finis	3279		
uniform	3271		
battalions, what constitute.....	3261		
officers of.....	3262		
captains of companies make yearly reports, &c.....	3267		
commander-in-chief, disbands company and revokes commission.....	3268		
orders certain number into camp, when... prescribes rules.....	3287		
companies failing to comply with legal re- quirements.....	3270		
composed of volunteers who enlist for five years.....	3258		
certificate of membership....	3284		
discipline of, and organization.....	3269		
exempt from jury service.....	3281		
governor to pay certain companies of, \$150.. in time of peace limited in number; stand- ard, &c.....	3289		
liable to active service	3257		
officers commissioned to each battalion.... how commissioned.....	3264, 3265		
officers chosen, how, &c.....	3263		
election of.....	3286		
oath.....	3265		
rank.....	3266		
penalty for not appearing, when ordered out for active service.....	3259		
state divided into districts; boundaries, &c.. U. S. appropriations to be used by governor. white and colored militia enrolled separately in.....	3260		
3256			
Statisties,			
bureau of.....	2184		
See <i>Agriculture.</i>			
Statutes,			
act for revision of the general, see Vol. I, p. 1.			
how affected by amendments.....	3766		

Statutes—Continued.

of the general assembly, when to take effect. 2862

private, determined and noted by secretary of state. 3631

ought not to be passed unless notice, &c., advertised for thirty days. 2861

public determined and noted by secretary of state. 3631

repeal of, what not to affect. 3764

rules of construction of. 3765, 3766

secretary of state charged with custody of records, &c. 3337

what, repealed by the code. 3867, 3873

Stock Law,

county commissioners, powers and duties, relating to. 2826

definition of word "stock". 2822

elections for, county, township and district, 2812-2814

how held and conducted. 2815

previously held, validated. 2821

fence to be built around territory of. 2823

may be built by assessment upon land owners. 2824

land of person objecting to, may be condemned. 2825

impounding of stock. 2816

impounded stock, owner of, to be notified; sale of stock, application of proceeds. 2817

misappropriation of money. 2818

land adjoining stock law territory, how enclosed; neighborhood stock law. 2821

live stock, unlawful to run at large within the limits of a county or district; penalties. 2811

misdemeanor, persons having stock in territory of, allowing to run at large beyond. 2827

tearing down or mutilating notices of land owner. 2830

misdemeanor, trespassing upon land of another without permission. 2828

wilful driving of horses over cultivated lands or the wilful killing of them in stock law territory; evidence. 2829

penalty for injuring fences, or leaving gate open. 2830

for receiving or releasing impounded stock, See *Fences*.

Strays,

appraisal of. 3770

fees of taker up. 3769

not claimed in six months; two-thirds value paid to ranger; owner may reclaim from county. 3772

penalties for violating chapter relating to, how recovered. 3781

powers and duties of register of deeds and justices of the peace in regard to. 3767

proof of death of, to be furnished ranger. 3780

property of, vested in taker-up after six months. 3771

receipts for, to be given by owner to taker-up, and filed with ranger. 3779

taken up and reclaimed, how. 3768, 3772

Strays—Continued.

taker-up of, to give bond when. 3773

not answerable for death of. 3774

Streams,

commissioners of; their powers and duties, 3706, 3708, 3710, 3712, 3714, 3717

county commissioners may appoint persons to examine, and make improvements. 3706

gates in dams across. 3712

laid off into districts, &c.; opening left for fish. 3709, 3710

mills, dams and slopes across. 3710

obstructing boats by felling trees in, or otherwise, misdemeanor. 3711

overseers of; how appointed; duties, &c., 3707, 3709

owners of boats authorized to construct and maintain draws in bridges. 3719

owners of dams across, may repair breaks, &c. 3716

may enter on another's lands to make repairs, &c. 3717

being prevented by owner of land, misdemeanor. 3718

penalty on owners of, for failing to build gates, &c., across. 3715

Stud horses,

or stud mules not to go at large, penalty. 2825

or jacks not to be exhibited near congregation, &c. 2870

Sunday,

holidays falling on, succeeding Monday to be holiday. 3784

hunting on, prohibited; misdemeanor; penalty. 3783

papers due on, payable on Monday. 3784

no person to work on, penalty. 3782

penalty for hunting on, fines to go to county school fund, justice of the peace to issue warrant. 2838

shooting or hunting wild fowl on, unlawful. 2837

Superintendent of public instruction,

allowed a clerk. 2593

a servant. 3732

common schools controlled by. 2365

county board of education to report account of school funds received and disbursed. 2547

to correspond with educators abroad, and investigate school systems, &c. 3367

to examine into the wants of each section. 2368

duties of. 2540-2542

forms for reports to be printed and distributed by, to officers and teachers. 3370

money of school fund to be apportioned by. 3369

office, where kept; seal of, duties. 3364

property and records of office delivered to successor. 3372

reports to be made by, to governor. 3365

contents. 3366

valuable, to be filed, arranged and bound by. 3371

salary. 3373

	SECTION		SECTION
Superintendent of pub. inst.—Continued.		Swamp lands—Continued	
traveling expenses allowed.....	2542	agent for, appointed by.....	2533
vacancy, at what election filled.....	2736	duties.....	2524
Superior court,		removal, compensation.....	2525
fees of clerk.....	3739	procures another to prosecute suits and share in the recovery.....	2526
judge of, to produce certificate of attendance or deduction made from salary.....	3735	presumptive title in favor of, or their assigns.....	2527
term of judges of, begins, when.....	2731	limitation bars, only when state is barred..	2528
terms, extra and special; governor to appoint what judge.....	3734	sales of, by, how made.....	2529
vacancy in office of judge, at what election filled.....	2736	certain sales authorized to be perfected by.....	2533
Supreme court,		in sales certain powers reserved to state...	2534
library of.....	3606, 3607, 3613	forfeited for taxes, when.....	2522
reports of, number printed; distribution; price.....	3635	proceeds of school to go to public schools..	2543
furnished to college libraries.....	3619	Talesmen,	
republished when.....	3634	fees of.....	3747
sent by secretary of state to judges, solicitors and clerks.....	3640	Tar,	
salary and fees of clerk of.....	3738	barrel to be branded.....	3029, 3030
salary of justices of.....	3733	barrel, size of.....	3028
term of justices begin, when.....	2731	inspection of.....	2083, 3033
vacancy, at what election filled.....	2736	sold by weight.....	3032
Surveyor,		water not a fraudulent mixture in.....	3028
bond of.....	2762	Taxation,	
certain grants issued to former, confirmed..	2782	lands of United States exempt from.....	3082
deputies may be appointed by.....	2763	property of corporations not exempt from; repeal of exemption acts.....	698, 3677
fees of.....	3754	university property exempt from.....	2014
how, may make individual entries.....	2774	what lands owned by religious societies, liable to.....	3667
special surveyor, when appointed.....	2769	white state bonds exempt from,	3565, 3573, 3583, 3595
Swamp lands,		See <i>Exemptions.</i>	
board of education to have, surveyed, drained, &c.....	2508	Taxes,	
works constructed by, on private lands, written assent of owner, guardian, &c., to have effect of deed.....	2509	applicable to payment of bonds issued in settlement of state debt,	3576, 3577, 3582, 3583, 3593
owners refusing, how to proceed.....	2510	applicable to purchase of said bonds.....	3577
lands of persons improved by canals, &c., erected by, to contribute.....	2511	assessed, collected and paid, how.....	3674
engineer, &c., appointed by, for constructing canals, &c.....	2512	assessment of land for, to be made every four years; township assessors; powers and duties.....	3630
proceedings against owners to pay assessments.....	2512	on auction sales.....	2283
enter any lands for survey.....	2513	what sales exempt from.....	2284
grants of, not registered void; title reverts to state.....	2513	on bank stock, how paid; share of non-residents.....	3676
sell reclaimed lands.....	2514	collected from property in another county...	3692
proceeds part of literary fund.....	2514	county commissioners may exempt from payment of poll; certificate; sheriff to be credited.....	3680
canal not to be sold.....	2514	on dogs to go to school fund.....	2502
no money expended by, in reclaiming lands except by order of general assembly....	2515	insolvent, &c., when allowed sheriff on settlement.....	3680, 3689
counsel employed by, in suits concerning; may compromise suits.....	2516	on insurance companies to be paid to secretary of state.....	3665
may buy or exchange lands when necessary	2517	land sold for, may be redeemed in twelve months.....	3695
turnpike from Plymouth to Pungo river constructed by.....	2518	delinquent falling to redeem, proceedings..	3696
amount appropriated, &c.; land, how condemned.....	2519	when purchased by county.....	3697
contribute lands for canal from Waccamaw to Little river.....	2520	lien of, attaches to all property on June first	3682, 3683
drain Open Ground Prairie in Carteret....	2521	on licenses, &c.....	3700-3704

Taxes—Continued.	SECTION
list and order for collection of, when to have force of judgment and execution	3681
lists may be altered or corrected by commissioners	3683
person having lien on land may pay; payment a preferred lien	3700
on poll, devoted to educational purposes; collected by attachment, form	3675
public school taxes, what are	2589
real estate, how levied on and sold for	2691
real estate to be offered for sale for	3693
on retail liquor dealers; license, how obtained	3701
on sale of fertilizers	2190
paid not liable to any other	2905
on share-holders, may be paid by bank or corporation	3684
sheriff in collection of, shall first levy and sell personal property	3688
sheriff to bid in for county land sold for, when; deed registered	3694
sureties of sheriff after his death, may collect	3687
swamp lands forfeited for non-payment of	2322
tenants of particular estates, executors, &c., to pay, on lands controlled by them	3698
tenants for life, failing to pay, or redeem land sold for, estate forfeited to remainderman, his right to redeem	3699
under local assessment law, rate of	2594
on unlisted land, to be collected out of, &c.	3679
when due and payable; sheriff to receipt payment; duty of sheriff and tax collectors	3685, 3686
Teachers,	
complying with provisions of chapter 15, to be paid	2581
grade and payment of	2580
examined by county superintendent	2566
dismissed by school committee	2580
not employed unless having a certificate of county superintendent	2580
to maintain order and dismiss pupils	2585
to keep daily records of attendance; grade of scholarship and department	2580
to report attendance, grades, &c., at end of term to county superintendent	2586
to report statement of number of pupils to school committee	2581
under local assessment law, how paid	2599
private, may teach public schools, when	2591
Teachers' institute,	
county board of education, may establish	2567
appropriation for	2567
county superintendent to have charge of	2568
counties adjoining may establish	2567
president of, to be elected in such cases by county superintendents	2568
teachers required to attend	2567
Terrapins,	
diamond back, when unlawful to take or de-	

Terrapins—Continued.	SECTION
stroy their eggs; misdemeanor; duty of sheriff	3377
penalty for using drag nets in Publico and Roanoke sounds to catch	3375, 3376
Thanksgiving day,	
appointed annually by governor	3334, 3784
Tobacco,	
condemned, uninspected when	2992
exported without inspection forbidden	2993
forgery of stamp, note, &c., of inspectors	2995
inspectors of, appointed	2983
duty	2990
attend at place appointed	2985
branding hogshead falsely, penalty	2994
of, cannot buy	2999
cannot export	2986
deputy not allowed	2987
designate quality, &c.	3001
give manifest of hogshead	2991
not liable when house burns	2984
to take lugs from each break	3002
owners may turn up	2998
pickers of	2983
fees of	3755
turners-up of	2983
proceedings for demand of, injured since inspection	2997
when note lost	2996
Towns,	
chapter relating to, to what towns applicable; commissioners construed to mean aldermen	3827
collectors of taxes, &c., to make monthly settlements	3813
commissioners of, shall regulate weight, &c., of baker's bread	3805
may abate nuisances	3802
powers and duties	3800, 3803
to appoint auctioneers	2281
to publish annual statements of taxes and expenditures	3816
to enforce by-laws of, by proper penalties	3804
election of, when and how conducted	3788
number of, may be charged	3791
time of election changed or failure to hold, incumbents to hold over	3792
constable of, oath; bond; powers and duties	3808
authorized to serve process	3810
court of mayor of; jurisdiction; authority; appeal	3818, 3819
to elect aldermen or commissioners	3787
debts of, how paid	3821
elections for	2680, 2739, 3787-3795
failure of constable and other tax collectors to settle with; misdemeanor	3814
hiring of convicts by; employment; regulations; expense of hiring, &c.	3449-3452
list of taxables to be taken by mayor; when double tax paid	3807
markets established by commissioner; unlawful to tax vehicles selling farm products	3801

Towns—Continued.	SECTION	Treasurer, State—Continued.	SECTION
mayor authorized to enforce collection of fines and penalties	3806	register state bonds	3568
municipal authorities of, may purchase land for cemeteries	3817	fee; registry evidence	3569
officers of, refusing to qualify; liable to pen- alty of \$25	3812	salary	3723
to transfer books and property to successor, penalty	3832	school funds, to hold as a special deposit; how and when to pay out the same	2538
property of, may be sold by mayor and com- missioners	3824	servant allowed	8732
mayor to make title	3826	treasurer of all asylums; may appoint depu- ties for two of them	2251
property of unincorporated towns sold by county commissioners	3825	of deaf, dumb and blind asylum	2235
qualification of officers of	3796	vacancy in office of, at what election filled ..	2736
streets and bridges of, to be kept in repair ..	3803	when to sell bonds deposited to pay claims, &c.	3071
taxes may be levied by, to raise money to work on streets	3452	when to surrender deposits	3073
of, on dogs, how enforced	3815	See <i>County Treasurer</i> .	
list of, may be corrected or altered	3823	Treasury,	
violation of ordinance of, misdemeanor	3820	money paid into state by mistake, how re- funded	3351
Tramps,		Treating,	
who deemed	3828, 3833	at elections unlawful; penalty	2714
how and by whom arrested	3832	Trespass,	
minor under fourteen years and women not deemed	3833	upon lands of another without permission, misdemeanor	2828
offences by	3829, 3830	Trustees,	
Treasurer, State,		appointed for insolvent debtor	2975, 2980, 2981
annual account of, when closed	3360	duties and powers of	2976-2979
bond of	3357	Tun-timber,	
chief clerk or deputy of, powers and duties ..	3358	inspection of, &c.	3039-3042
chief clerk of, authorized to endorse state bonds in certain cases	3507	Tarentine,	
commissioners appointed annually to ex- amine books, &c., of	3361	inspectors to gauge	3031
contingent bonds issued by, to pay interest on state debt, when	3583	barrels of, branded, &c.	3029, 3030
to sell the same, when	3584	size of	3028
costs of removal of insane from one asylum to another, paid by	2244	re-inspected, when	3033
coupons matured, on all new bonds issued in settlement of state debt, to be canceled ..	3581	Turnpike,	
duties of	2356	from Plymouth to Pungo river, board of edu- cation to build	2518
estimates of expenses of state government, revenue bill, &c., to be furnished general assembly	2864, 2865	Tyrrell County,	
license sale of fertilizers upon payment of tax	2190	fish protected in Frying Pan river	3407
list of new bonds issued, and of old bonds surrendered for new; those surrendered to be destroyed	3578, 3579	in Sennepercong river	3408
literary fund, account of, kept by, and re- ported to general assembly	2507	United States,	
money received for vacant land	2777	may purchase certain lands, &c.	3080-3084
moneys and property of state sued for and collected by	8359	University,	
new bonds issued by, upon presentation of certificates of construction bonds, &c.	3592	annual appropriation, paid in semi-annual installments	2638
before issuing, cancel certificates and keep list of bonds canceled	3594	annual appropriation, how used	2639
N. C. agricultural society paid \$1,500 an- nually, by	2218	board of trustees, authority of, &c.	2611
office hours of, and rooms of	3362	to appoint president and faculty	2613
		to confer degrees	2618
		executive committee appointed by; powers of	2624
		governor, <i>ex officio</i> , president of	2615
		if absent, president, elected by	2615
		meetings of; quorum	2616
		business of special meetings limited	2618
		rules and regulations made by	2623
		secretary of; vacancy, how filled	2617
		vacate, appointment of trustees for im- proper conduct	2619
		vacancies, how filled	2622
		contracts of minor, students of, void	2647
		avoided by plea	2649
		incapable of confirmation	2619

University—Continued.

county commissioners to select a student for..... 2633

who eligible; selected improperly, board of trustees may revoke..... 2634

criminal law relating to; electioneering treats within four miles, penalty..... 2643, 2646

keeping billiard or gaming tables in five miles of..... 2645, 2646

exhibitions without license in five miles..... 2645, 2646

license to sell spirituous liquors within four miles, void..... 2640, 2646

places kept in four miles of Chapel Hill, for sale of wines, &c..... 2641, 2646

no one to sell liquor, &c., to be used by students in four miles of Chapel Hill. 2643, 2646

derelict property, definition of; to go to university..... 2629

dividends of corporations, unclaimed, to go to, when..... 2623

donations may be received and appropriated as specified..... 2630

endowed with escheats..... 2626

executors, &c., to pay property over to, when; how held by..... 2627

geologist of state to lecture at, when requested by trustees..... 2198

incorporated, name and powers..... 2610

land script, certificate of indebtedness, issued to; interest payable semi-annually..... 2636

transferred to; conditions of transfer..... 2631

trustees to dispose of same, and establish two professorships..... 2632

normal school in connection with..... 2650

property of, exempt from taxation..... 2614

receipts from all sources applied to maintenance of..... 2630

special tax bonds in hands of trustees to be burned..... 2637

students receiving free tuition to promise in writing to teach..... 2635

treasurer of, duties; bond; liability..... 2612

vacancy..... 2617

trustees, member of, and election..... 2630

sixteen additional..... 2625

meeting of, thirty days after election; divided into four classes; terms..... 2621

Usury,
penalty for charging..... 3836

Vacancy,
attorney-general, when filled..... 2736

auditor, when filled..... 2736

boards of navigation and pilotage,
3481, 3509 3512, 3515, 3527

commissioners to adjust debt of state..... 3559

judges of superior court, when filled..... 2736

justices of supreme court, when filled..... 2736

members of the general assembly..... 2737

office of register of deeds, how filled..... 3649

president and vice-president, governor to order another election..... 2748

representative in congress, how filled..... 2722

Vacancy—Continued.

SECTION

secretary of state, when filled..... 2736

solicitor, when filled..... 2736

state standard keeper..... 2844

superintendent of public instruction..... 2736

town commissioner and mayor, how filled..... 3793, 3794

treasurer of state, when filled..... 2736

Vaccination,
for small pox..... 2885

Vagrancy,
what and how punished..... 3834
See *Tramps.*

Vessels,
anchoring in range of lights, forbidden..... 3086

breach of quarantine by masters of,
2893, 2897-2900

inspection of, fee for..... 2916

masters, to report health of..... 2893, 2901

refusing to obey quarantine..... 2918

wantonly injuring seines or nets..... 3385

receiving certain articles on, without inspection and brand..... 3033, 3035, 3036

mooring, to buoys, misdemeanor..... 3085

pilots to give information of health of..... 2893

bringing in, without certificate, penalty.... 2904

to bring, to visiting station, &c..... 2917

quarantine of, for what; effect,
2893-2895, 2905, 2906, 2911

provisions furnished vessels, &c..... 2902

station, &c., at mouth of Cape Fear..... 2912

See *Inspection, Master, Pilotage, Pilots.*

Vital Statistics..... 2890-2893

Volunteer Company,
formed..... 3213, 3215

incorporation of..... 3251

appointment of officers..... 3215, 3216

returns of..... 3218

to review..... 3220

vacancies in, filled..... 3221

muster once in three months; adopt rules for their government..... 3217

not to return to infantry but by permission, serve in, until equipped..... 3219

public arms, how obtained..... 3550

select uniform; do duty; under commander of regiment..... 3214

See *Militia.*

Voters,
intimidation of, a misdemeanor..... 2715

persons offering to register must be sworn.... 2681

qualifications..... 2679, 2680, 2684

residence of..... 2680

sworn..... 2681

oath of..... 2681

Warrant,
on state treasurer drawn by auditor... (9) 3350

Water courses,
made lawful fences by county commissioner; petition; notice..... 2808-2810

Weights and measures,
acre of land of what measure..... 3843

cotton and grain, weight of..... 3849, 3850

Weights and measures—Continued.	SECTION	Worship—Continued.	SECTION
keepers of, state and county; how appointed, powers and duties.....	3839-3848	for stopping way to place of, or to spring used by.....	3669
penalty for buying or selling not branded or unstamped.....	3842	for other annoyances.....	3670
provided by county commissioners.....	3838	See <i>Religious Societies; Congregation.</i>	
standard to be used.....	3837	Wrecks,	
tested biennially by standard keeper.....	3841	commissioners of, appointed by governor; bond; oath.....	3852
See <i>Standard Keeper.</i>		duties when vessels in danger; salvors to be paid; sum ascertained by referees, if parties disagree; superior court may ex- amine award.....	3854
Wife,		to reside in district; not to be pilot or officer of U. S. government.....	3853
to have settlement of husband.....(2)	3544	to take charge of, to sell, &c., wrecked prop- erty; to render account of sales; com- pensation.....	3855
Wild fowl,		sale advertised; how long and when. pro- visos; how to proceed when property is damaged.....	3856
restrictions on hunting on Sunday or at night.....	2837	not to take salvage; no person to interfere with his rights.....	3857
penalty; fines to go to county school fund; warrants issued by justice of peace.....	2838	districts in certain counties, how laid off.....	3851
hunting with fire, prohibited; informer to receive half of fine.....	2839	finders of wrecked property to notify com- missioners; penalty for concealment.....	3859
unlawful to kill, and for non-residents to shoot, &c., in certain counties and wa- ters.....	2840	finders to deliver property to commissioner....	3864
Wines,		finders concealing stranded goods, guilty of larceny.....	3860
manufacture of, incongrued.....	3110	embezzlers, or receivers punished for lar- ceny.....	3861
See <i>Local Option.</i>		no person claiming, what done; goods sold, proceeds how disposed of.....	3858
Witnesses,		penalty on commissioners of, for violating duty.....	3802, 3865
fees and mileage of.....	3756	person refusing to aid in saving vessels. &c.: summons.....	3863
Woman,		Year,	
words charging incontinency, actionable....	3763	fiscal, of state government when closed.....	2273
Wood,		meaning of word.....(3) (4)	3764
sale of fire, by the cord.....	3049		
Words,			
construction of.....	2490, 3765, 3766, 3827		
Worship,			
houses of, on vacant lands to belong to society erecting.....	3666		
liquor and goods forbidden to be sold in a mile of.....	3671		
penalty for intoxication at, or disturbance of.....	3672		







