

THE LEGISLATURE.

ANNUAL SESSION 1899-1900.

[Reported Specialy for the Standard.]

SENATE.

SATURDAY, March 6, 1899.

The Senate met according to adjournment. The President in the chair. The Journal of yesterday was read and approved.

Mr. WINSTED presented a petition from certain citizens of Rutherford county for the passage of an act to prevent the sale of ardent spirits within five miles of Rutherford Seminary. Referred to committee on Propositions and Grievances.

Mr. FORKNER, from the committee on Internal Improvements, reported favorably on a bill to authorize the sale of bonds of the State to subscribe stock in Railroad Companies. Placed on the Calendar.

Mr. EPPES, from the committee on Corporations, reported in favor of the bill to grant a charter to a company covered by the waters of Hunter's Creek and Cuthill Lakes. On Calendar.

The Internal Improvement committee reported favorably on bill concerning the public roads and bridges in Robeson county. Mr. SMITH, from the committee on Propositions and Grievances, reported in favor of the passage of the following bills:

Bill to authorize the late sheriff of Yadkin county to collect arrears of taxes. Agreed to.

Bill to authorize the commissioners of Rutherford county to levy a special tax.

Bill to authorize the commissioners of Jackson county to issue bonds.

Bill to authorize S. R. Bunting, late sheriff of New Hanover county, to collect arrears of taxes due himself.

Bill in favor of B. Wallace, of Duplin county.

Bill in reference to pilotage at Hatteras and Ocracoke Inlets.

Bill to alter boundary lines between the counties of Wilkes and Watauga.

Bill to authorize the commissioners of Onslow county to levy a special tax.

Bill to authorize Jonathan Mann, of Stanly county, to collect arrears of taxes.

A message was received from the House of Representatives announcing concurrence in the following Senate bills:

An act to amend chapter 21 of Code of Civil Procedure.

An act amendatory of act to make bank bills a set-off.

By Mr. LINDSEY: Bill to incorporate the town of Madison in Rockingham county. Referred to Committee on Corporations.

By Mr. BELLAMY: Bill to authorize the appointment of Municipal officers for the town of Rocky Mount. To Committee on Corporations.

By Mr. LOVY: Bill to further supplement an act to incorporate the Green Swamp Company. To Committee on Corporations.

BILLS ON THIRD READING.

Bill to authorize the commissioners of Northampton county to levy a tax for a special purpose [to repair bridges]. Adopted—yeas 27.

Bill to authorize the commissioners of Anson county to levy a special tax [of five times that levied for state purposes, in order to pay for building Court house and jail] was, on motion of Mr. FORKNER referred to Committee on the Judiciary with instructions to report by Saturday next.

Mr. FARMER, from the committee on Internal Improvements, reported a bill to incorporate the Green Swamp Company, passed second and third readings.

Also the bill to incorporate the Atlantic Fire Company, No. 1, of the Town of Newbern—Yeas 26.

Also bill to empower W. T. Rhodes and others to remove obstructions in Cape Fear river—Yeas 36, nays 1.

Bill to authorize construction of a Rail Road through the counties of Granville, Person, Rockingham, Stokes and Surry, was taken up on its second reading.

After some discussion as to whether the bill was public or private one, participated in by Messrs. Barrow, Shoffner, Sweet, Osborne and Winstead—the four first named gentlemen contending that it was a public bill, while the last named Senator asked, as the bill was on the private calendar, that it be allowed to pass its second reading, after which it could be transferred to the public calendar if the Senate thought proper—the bill passed its second reading, was referred to the Judiciary Committee, and ordered to be printed and transferred to the public calendar.

Bill to amend the act incorporating the Fayetteville and Florence Railroad Company failed to pass its second reading, no quorum voting.

Mr. LOVE moved a call of the House, when it was ascertained that a quorum was not present.

Mr. FORKNER was of the opinion that if Senators would absent themselves so as to obstruct the transaction of business, it would be infinitely better to adjourn sine die and go home. The people were groaning under the burden of heavy taxes, while members were receiving \$7 per day; and if necessary laws failed to be enacted on account of the delay referred to, the people would hold their representatives strictly accountable. He had once been an employee at a very small compensation, but he rendered faithful service for the same. And surely members could afford to sit four or five hours per day for the sum of \$7.

Absent Senators having arrived, a quorum was announced, and the Senate proceeded to business.

Bill to extend the corporate limits of the town of Lumberton in Robeson county, passed its second and third readings.

Bill to prohibit the sale of spirituous liquors within three miles of the Western Railroad while in process of construction, was reported on favorably by the Judiciary Committee.

Mr. BARROW opposed the passage of the bill.

Mr. BRADY thought it eminently proper to pass the bill. The contractor for the road had some 500 hands in his employ, and if persons were allowed to sell those hands ardent spirits, they would be unmanageable, and the public interests as involved in the completion of this Road would suffer.

Mr. OSBORNE regarded the bill as but a police regulation, and said the Legislature had passed many such enactments for instance, the act to prevent the sale of spirits at Company Shops, and also similar acts in reference to certain schools of learning, &c. Certain parties living contiguous to the Western Railroad, were in the habit of hauling liquor by the barrel to points on the Road, where they would retail the same by the quart and gallon to the hands, thereby deluging them, and rendering them unfit to labor. The bill was a good one, and its passage would prevent these abuses, and also subserve the interest of the contractor as well as that of the State.

Mr. LASTER thought the passage of the bill a dangerous precedent. The road was some 60 miles long, and the rights of persons to make sale of spirits in a belt of country some six miles broad, would thus be prevented. If such a measure should pass for this road, other roads would want the same thing, and thus the whole State, more or less, would be subject to the prohibition contained in the bill. While he much deplored the evil effects of intemperance, he could not consent to yield his support to an act that would restrict the privileges of the people.

Mr. STEPHENS moved that the bill be indefinitely postponed. Carried—yeas 19, nays 9.

Bill confirming certain land grants issued to Lewis W. Bryan and others in the counties of Ashe and Alleghany, after some discussion, passed second and third readings. Yeas 20, nays 0.

Bill to authorize the North Western N. C. Railroad Company to receive subscriptions in lands to the capital stock of the Company was read. Committee of Internal Improvements reported an amendment, which was concurred in.

Mr. FORKNER moved to amend the bill so that the company should be authorized to appoint or elect twelve directors instead of ten. Agreed to.

As amended the bill passed its several readings.

Bill to authorize the commissioners of Camden county to levy a special tax, passed its third reading.

Also bill to incorporate the Swift Island Manufacturing Company. Yeas 28.

Bill to repeal an act in relation to sale of ardent spirits in the town of Haywood in Chatham county was read. The Judiciary committee reported a substitute, submitting the question of repeal to a vote of the citizens of Haywood. Substitute adopted.

Bill to incorporate the Davidson Railroad Company was read and acted upon by sections.

Mr. DAVIS moved to amend the bill so that the company should be allowed to charge for transportation at a rate not to exceed the sum of five cents per mile. Agreed to.

As amended the bill passed its third reading.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 6, 1899.

The House met at 10 o'clock. The SPEAKER in the Chair.

Prayer by Rev. Mr. Long, of Chatham. The Journal was approved.

Leaves of absence were granted to Messrs. Allison, Fend Green.

Mr. GREER recorded his name in the affirmative on the adoption of the 15th article of the Constitution of the United States.

Mr. DIXON, from the Committee on Claims, reported favorably resolution in favor of N. Price, and resolution in favor of Moore & Cashwell; and recommending that no action be taken on the claim against the Insane Asylum for G. W. Thompson, administrator of P. Rogers.

BILLS INTRODUCED.

By Mr. ROBINSON: Resolution in favor of A. L. Parton, of Macon county. Committee on Claims.

Mr. MOORE, of Chowan: Bill to incorporate the Albemarle Loan and Trust Company. Calendar.

Mr. MARSHALL: Bill to allow the County of Alexander county to levy a special tax. Calendar.

Mr. FRENCH: Bill to establish a public ferry across the north east branch of the Cape Fear river. Calendar.

Mr. SKYMOOR: Bill to incorporate the Raleigh Co-operative Land and Building Association and Committee on Corporations.

Mr. GATLING: Bill to incorporate the Albemarle and Suffolk Railway Company. Referred to the Committee on Internal Improvements. Referred to the Judiciary Committee.

Mr. FRENCH: Bill providing for the manner of levying and collecting taxes for the year 1899-1900. Referred to the Judiciary Committee after wards reported a substitute.

Mr. JARVIS: Bill to suspend the Code of Civil Procedure in certain cases. Referred to the Judiciary Committee with instructions to report Monday morning, and ordered to be printed.

On motion of Mr. HODNETT, the rules were suspended, and bill to charter a ferry across Dan river, in Caswell county, was taken up, and passed its second reading.

On motion of Mr. JUSTICE, of Rutherford, the rules were suspended on all bills on the Private Calendar, the Private Calendar was taken up; and the following bills passed third reading:

Bill authorizing the Sheriff of Washington county to collect arrears of taxes for the year 1898-97.

Bill to incorporate the Carrutuck Club Steamboat Company.

Bill for the relief of the securities of S. A. Warren, late Sheriff of Northampton county.

Bill to incorporate the Joseph C. Abbott fire relief association, of Wilmington.

Bill to incorporate the town of LaGrange, Lenoir county.

Bill to enable Richard A. Rozzell to build a bridge across the Catawba river.

Bill to incorporate Melbansville Lodge No. 173 A. Y. M.

Bill to allow the Commissioners of Richmond county to levy a special tax. Passed third reading—yeas 70, nays none.

Bill declaring David Beam a citizen of Cleveland county.

Bill for the relief of S. A. Kelly, sheriff of Alleghany county.

Bill to authorize the Swift Island Manufacturing Company to establish a ferry across Pee Dee river at their factory.

Bill to amend the charter of the town of Lillington, New Hanover county.

Bill to incorporate Tobacco Lodge No. 271. F. A. M.

Bill to regulate fishing on the Cape Fear river.

Bill to extend the corporate limits of the town of Jameville.

Resolution in favor of J. R. Grady, sheriff of Harnett county.

Resolution in favor of Wm. Thompson, William D. Jones, Wm. Grimes and K. C. Fennell. Passed third reading—yeas 59, nays 5.

Bill for the relief of J. P. Matheson, late sheriff of Alexander county.

Bill to incorporate W. T. Bain Lodge No. 231. A. Y. M., in Wake county.

Bill to authorize the commissioners of the County of New Hanover to receive into the workhouse of said county convicts from other counties.

Bill for the relief of Mary Crowder. Judiciary committee recommended that the bill do not pass.

Bill to incorporate the trustees of the Union Church Association of Company Shops.

Bill to incorporate the town of Trinity in Randolph county.

Bill to incorporate the Clarkson School in Smith county.

Bill to authorize the Commissioners of the county of Greene to levy a special tax—yeas 61, nays none.

The following bills were taken from the private calendar in their order and disposed of as follows:

Bill to amend the charter of the Carleton Copper Mining Company, of Baltimore. Laid over.

Bill to authorize the Commissioners of Pasquotank county to levy a special tax. Amended on motion of Mr. French to limit the tax to \$20,000. Passed third reading—yeas 61, nays none.

Bill to authorize the Commissioners of Rockingham county to levy a special tax for certain purposes. Passed third reading—yeas 65, nays none.

Resolution in favor of W. G. H. H. late sheriff of Wilkes county. Referred to the Committee on Claims.

Bill to authorize the Commissioners of Stanly county to levy a special tax. Passed second reading—yeas 65, nays 1.

Bill to incorporate the town of Durham, the county of Orange. Amendment of the Judiciary Committee adopted, and the bill passed its several readings.

Resolution in favor of John M. Bateman, sheriff of Washington county. Tabled.

Bill to incorporate the International Commercial Company, of Norfolk, Virginia. Indefinitely postponed on motion of Mr. French.

The House adjourned.

SENATE.

MONDAY, March 8, 1899.

The Senate met according to adjournment. The President in the chair.

Mr. OSBORNE presented the credentials of C. Tate Murphy, Senator from the 16th Senatorial District. Referred to the Committee on Privileges and Elections.

Mr. WELKER presented a petition from certain citizens of Guilford and Alamance counties in regard to fences, with bill declaring Reedy Fork creek a lawful fence. On Calendar.

Mr. BREXMAN, from the Committee on Propositions and Grievances, made a favorable report on bill to extend the time for the registering of deeds.

Mr. BARROW, from the committee of Conference on the bill to provide for the collection of taxes, reported, recommending that the Senate recede from certain amendments to the bill. Receded in, and the House was ordered to be notified of the same.

A message was received from the House transmitting Senate bill to incorporate the Central North Carolina Railroad Company, with an amendment that the gauge of the road be the same as that of the North Carolina Road and the Wilmington, Charlotte & Rutherford Road.

Messrs. OSBORNE and JONES, of Columbus, favored concurrence in the amendment, and Messrs. DAVIS and Mr. French opposed it. The amendment was concurred in. Yeas 18, nays 10.

Mr. WINSTED introduced a bill to charter a railroad from Edenton to Suffolk, Va. Ordered to be printed and referred to the committee on Internal Improvements.

The bill concerning Townships passed second reading, and was ordered to be printed and made the special order for Friday next at 12 o'clock.

Mr. RESPASS gave notice that he would introduce a bill to incorporate the Eastern Carolina Land Draining and Land Purchasing Company.

Mr. BRYNE introduced a bill to amend the charter of the Greenville and French Broad Railroad Company. Referred to Committee on Internal Improvements.

Mr. BREXMAN introduced a resolution limiting debate.

Mr. LINDSEY, a resolution in relation to the duties of a school teacher, laid over.

Leave of absence for an indefinite period was granted to Mr. Eaves.

Mr. SWEET, from the committee on Privileges and Elections, reported favorably upon the credentials of C. Tate Murphy, Senator elect from the 16th Senatorial District.

The report was concurred in, and Mr. Murphy qualified, and took his seat as Senator.

SPECIAL ORDER.

The school bill was taken up as the special order.

The amendment of Mr. SWEET to the 81st section to strike out "county," so as to make it the duty of the treasurer of each township to disburse the school funds in his township, was rejected.

Sections 81, 82, 83, 84, 85, 86, 87, 88, 89 and 90 were adopted without amendment.

Section 91 being read, Mr. LINDSEY moved to strike out "county examiner," and insert in lieu thereof "school committee." [The section gave to teachers dismissed before expiration of contract, the right to appeal to the County Examiner, who could reinstate the teacher if thought proper.]

Mr. BLYTHE moved to amend the amendment by inserting "Board of Education."

Mr. WELKER said the last named amendment made no provision for the traveling expenses of teachers; and to require them to come to Raleigh to make their appeal, would be ridiculous.

The amendments of Messrs. LINDSEY and BLYTHE were both rejected.

Mr. OSBORNE moved to strike out the section. Not agreed to.

The section was then adopted.

Section 92 being read, Mr. OSBORNE moved to strike out the section, and give any teacher, whose salary should be withheld in pursuance of this act, the right of appeal to the Superintendent of Public Instruction.]

The vote on the motion stood, yeas 13, nays 13. The President gave the casting vote in favor of the negative. The section was then adopted.

Mr. OSBORNE moved to amend section 93 by inserting the word "Christianity" before the word "morality." [The section made it the duty of teachers to impress upon their scholars the principles of morality, truth, justice and patriotism.]

The amendment was agreed to and the section adopted.

Sections 94 and 95 were adopted without amendment.

[Section 96 prescribes that instruction shall be given in the schools of the several grades as follows, viz: reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology, history of North Carolina and the Constitution of the United States.]

Mr. OSBORNE moved to strike out in the section all after the word "grammar." He thought that if children could be taught to read, write and cipher, it would be as much as could be attempted in our common school system at present.

Mr. WELKER could understand why instruction in reference to the history of North Carolina and the Constitution of the State and that of the United States, should be objected to; but was at a loss to conceive why such an elaborate attack on physiology should be made. A child ought to be taught something in reference to the construction and wonderful machinery of the human body. He did not mean that the instruction should be as thorough and complete as that taught in the medical colleges of Paris and Philadelphia, but simply the rudiments of that study. Nor was it proposed that those higher branches should be universally taught, but only in the schools located in those communities where the advancement of the scholars would justify such instruction; and he hoped the section would be allowed to remain as it was.

Sections 97 and 98 were adopted.

Mr. BLYTHE moved to strike out section 99. [Provides that children under eight years of age shall not be kept in school more than a hour per day, exclusive of intermission; and provides also that no school shall be kept in session longer than six hours per day.]

Mr. BARROW moved to strike out "eight years" and insert "six years." Agreed to.

Mr. LOVE moved to strike out "four hours" and insert "six hours." Lost.

Section as amended adopted.

Section 100 was read. [Provides that persons having children under their control between the ages of six and eighteen years of age, shall send such children every year to some public school at least ten weeks, six of which should be consecutive, under a penalty of \$20.]

Mr. BARROW moved to strike out the section.

The motion was supported by Messrs. Barrow, Blythe and Foraker, and opposed by Messrs. Welker, Sweet and Smith.

The motion to strike out prevailed. Yeas 17, nays 9.

Sections 101, 102 and 103 were adopted.

Section 104 was read. [Provides that the school authorities "may when they shall deem it expedient, establish a separate school" for the colored children.]

Mr. BARROW moved to strike out "may when they shall deem it expedient" and insert "shall." Agreed to—yeas 23, nays 3.

Mr. SWEET moved to strike out the section.

Mr. WELKER moved to substitute for the section the amendment submitted by the Board of Education, viz: to leave the question of separate schools to be determined by a meeting of the resident electors of the town or city, each Township each race to meet separately.

Pending the discussion of the substitute, the Senate adjourned on motion of Mr. DAVIS.

EVENING SESSION.

The unfinished business was taken up, and the motion to strike out section 104 was lost. Yeas 9, nays 23. The section, as amended, was adopted.

The remaining sections of the bill down to and including section 151, were variously amended, some were struck out, and the bill as amended, passed its second reading by the following vote:

Yeas—Messrs. Beall, Becman, Barrow, Colgrove, Cook, Foraker, Hayes, Lassiter, Long, Love, Martindale, Melcher, Stephens, Sweet, and Welker—15.

Nays—Messrs. Barrow, Beasley, Brodgen, Blythe, Harrington, Hyman, Jones of Columbus, Lindsey, Murphy, Osborne, Respass, Scott, Smith and Winstead—14.

Mr. SWEET moved that the bill be printed and made the special order for 12 o'clock on Thursday next.

The motion prevailed and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 8.

The House met at 10 o'clock. The SPEAKER in the Chair.

Prayer by Rev. Mr. Shaw, of Johnston. The Journal was approved.

Leaves of absence were granted to Messrs. Hawkins and Barnes.

Mr. HAWKINS, from the Committee on Enrolled bills, reported the following bills correctly enrolled; and they were thereupon signed by the Speaker:

To incorporate the Wilmington Steam Fire Engine Company, and act to amend Chap. 2, Title 19, Code of Civil Procedure.

Mr. SINCLAIR, from the Committee on Private bills, reported without recommendation of breeds of feathered birds. Referred to the Committee on Propositions and Grievances.

Also, favorably, bill authorizing a public road and toll bridge in the county of Bladen.

Mr. SEYMOUR, from the Judiciary Committee, reported bill to repeal all acts of the General Assembly, and ordinances of the Convention, passed since the 1st of May, 1861, suspending the statute of limitations, recommending that it be referred to the Committee on Relief. Agreed to. Bill to regulate the drawing of jurors; bill concerning claims against the several counties of the State; bill to stay executions, and bill concerning orphans and destitute children, with recommendation that they do not pass.

Mr. PAXSON presented the report of survey of the commissioners of Northampton county. Referred.

BILLS INTRODUCED.

By Mr. MOORE, of Chowan: Bill to authorize the sale of the town commons in the town of Edenton. Referred to the committee on Corporations.

Bill to construct a railroad from Edenton to Suffolk. Referred to the committee on Internal Improvements.

By Mr. HODNETT: Resolution concerning their names, on private bills, laid on the table.

Bill making an appropriation for the University was made a special order for Monday next at 11 o'clock.

The report of the committee of conference on the bill to provide for the collection of taxes by the State and by the several counties of the State, &c., was taken up, and after short debate, concurred in.

The homestead bill was taken up, and on motion of Mr. FRENCH, referred to a special committee of five, and made a special order for 11 A. M. to-morrow.

The SPEAKER appointed the following as the committee: Messrs. Moore, of Chowan, Jarvis, Seymour, Bowman, and Harris, of Wake.

On motion of Mr. FRENCH, the rules were suspended, and bill supplemental to an act to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company, ratified on the 29th day of January, 1899, was taken up.

After half an hour spent in the discussion of motions to print and refer, &c., the bill was laid on the table on motion of Mr. MOORE, of Chowan.

The following gentlemen recorded their names in the affirmative upon the passage of the bill, and ratifying the proposed amendment to the Constitution of the United States, styled article 15: Messrs. Downing, Harris of Franklin, Parker, Reynolds, Sinclair and Morris; and Mr. Shaver in the negative.

Mr. PARKER said: Mr. Speaker, I desire to record my vote on the 15th article of the Constitution of the United States, favoring equality of all men before the law without distinction of race, color or condition, having contended for it when "days were dark and friends were few." Now, in the sunshine of popular favor, I have no hesitation in voting for it.

The bill concerning the settlement of the estates of deceased persons was taken up and considered by sections, read through, various amendments adopted, and passed third reading.</